An Hiſtorical

TREATISE

OF

CITIES, &c.

AND

Burghs or Boroughs.

SHEWING,

Their Original, and Whence, and from Whom they Received their *Liberties*, *Privileges* and *Immunities*; What they were, and what Made and Conſtituted a *Free Burgh*, & *Free Burgeſſes*.

AS ALSO, SHEWING

When they firſt ſent their Repreſentatives to PARLIAMENT.

WITH A

Concurrent Diſcourſe

Of moſt Matters, and Things incident, or Relating thereto.

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LONDON:

Printed for *Samuel Lowndes* over againſt *Exeter-Exchange* in the *Strand*. MDCXC.

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THE PREFACE TO THE READER.

WHEN *for my own priv. Satisfaction I first began to inquire into the Original Constitution of Burghs, in this and Foreign Nations, what they were, and whence their great Liberties, and Privileges. In our Ordinary Writers, whosoever they were, that discourſed of them as they came in their way, I found little elſe but Preſcription, and pretended Uſage and Poſſeſſion time out of Mind, vouched for the great Independent Rights they have claimed, and do challenge.*

And truly by the Notion theſe Writers have, and their Readers cannot but have, of them, according to their Informations, they ſeem to have been Æternal, *or at leaſt* Coæval *with the Creation, and ſo many ready Wrought, and Framed, ſmall Commonwealths, lifted out of the* Chaos, *and fixed upon the ſurface of the Earth,* with their VValls, Gates, Town or Gild-Halls, Courts, Liberties, Cuſtoms, Privileges, Freedoms, Juriſdictions, Magiſtrates and Officers, in their Formalities, *and* all Extravagant, Uncontroulable, *and* Abſolute Powers, *and* Abſurd Rights, *they have of late Years pretended to.*

But, whoever will ſeriouſly peruſe this Treatiſe, *ſhall find the* Dates *of their* Originals, *and* Gradual Augmentations, *and muſt confeſs they have nothing of the Greatneſs and Authority they boaſt of, but from the Bounty of our Ancient* Kings, *and their* Succeſſors, *notwithſtanding any other* Confirmations, *or* acquired Right, *they may allege, and acknowledge that*

* See Appendix N. 1. b. fol. 6. B. C. D. E. F. and fol. 7. A. B. C. D. E.

* *Preſcription, and pretended Immemorial Cuſtoms or Uſages avail not, when there are* Charters *or other* Records *which ſhew, that in this caſe (of what weight ſoever they may be in other,) they are mere Conjectures, Words of Courſe, and the Popular Aſſertions of ſuch Men, as either knew not how, or would, or for their more gainful Imploym nts could, not look into thoſe great Monuments of Antiquity, and diſcoverers of Truth.* A

And therefore I have oppoſed matter of Fact, through the whole diſcourſe, to theſe fond Imaginations, and eaſie Notions, and for the clearer Demonſtration of what I intended to Evince, have produced all the Inſtances of Cities, Burghs, *and* Towns *in both the Books called* Domeſday-*Books, from whence I could receive any Satisfaction of the* Condition *and Import of* Burghs *and* Burgeſſes *in the Saxon Times, without any particular Deductions from theſe Inſtances, or Remarks upon them.* B

'Tis eaſie for any Man that will but note them to obſerve, that according to the Modern way of Speaking, they then made but a ſmall Figure in the Nation; to be ſure the Burghs *were not diſtinct Commonwealths, or Governments, nor the* Burgeſſes *Stateſmen, or People of much Intereſt, whatſoever ſome Popular and Factious Writers, who Scribble by Rote, and according to their own Fancies, have delivered to the contrary.* C

Many other places not Named in this Treatiſe, are either called Burghs *in the Conquerors Survey, or there are* Burgeſſes *mentioned in the Deſcription of them; ſeveral of which are not now eſteemed* Burghs, *nor is there any Light or Information to be had from them, what* Burghs *or* Burgeſſes *then were, as* Torchſey, Louth, *and* Stanford *in* Lincolnſhire, Stainings *in* Suſſex, Sceptesbury *or* Shaftsbury *in* Dorſetſhire, Domnitone *or* Dountone, Theodulveſide, Saresberie, Wilton, Malmesbury, Chrichlade, *and* Caun *in* Wilts. Lideford *and* Totneſſe *in* Devon, Colceſter *and* Maldon *in* Eſſex, Winchelcumb *in* Gloceſterſhire Hereford, Snottingham, *or* Nottingham, *theſe have the* bare Names *only of* Burghs, *or ſome* Burgeſſes *are ſaid to have lived in them, without any thing relating to their Quality, or Condition.* D E

London *and* Wincheſter *are not deſcribed in this Survey, in* Worceſter, Derby, *and* Lincoln, *the Name of* Burgeſs *not mentioned.* Briſtol *not to be found in the Survey, it was made a City and County* 47 Ed. 3. *though a* Burgh *long before,* Bridgewater *not to be found there, nor* Minehead, Lin *or* Len F

Len *in* Norffolk *only mentioned, but not as a* Burgh, *or Town of note.*

'Tis only ſaid of Glocestre. Tempore Regis Edwardi [1] Reddebat Civitas de Glowceſtre XXVI Lib. numeratas & XII Sextaria Mellis ad menſuram ejuſdem Burgi, *in the time of King* Edward, *the City of* Gloceſter *paid Thirty Six Pounds by Tale, and Twelve Sextaries or Gallons of Honey, according to the meaſure of the ſame* Burgh, *nothing further of this Burgh or any Burgeſſes therein.*

[1] Domeſd. f. 126. Col. 1.

And of Leiceſter *thus.* Civitas de [2] Ledeceſter Tempore Regis Edwardi reddebat *per* annum Regi XXX Lib. ad numerum & XV Sextaria Mellis. Quando Rex ibat in Exercitu per Terram de ipſo Burgo XII Burgenſes ibant cum eo. Si vero per Mare in hoſtem ibat, mittebant ei quatuor Equos, de eodem Burgo uſque Londoniam ad Comportanda Arma, & alia quæ opus Eſſent. *That is, The City of* Leiceſter *in the time of King* Edward *paid yearly to the King Thirty Pounds by Tale, and Fifteen* Sextaries *of Honey, when the King marched with his Army by Land, there went with him Twelve Burgeſſes of this* Burgh, *when he went by Sea againſt an Enemy, he had Four Horſes ſent from the ſame Burgh to* London *to carry Arms, or other Neceſſaries; nothing more of this* Burgh, *or its* Burgeſſes *in the Survey.*

[2] Ibid. f. 230. a. Col. 1.

We may note from both theſe laſt Towns, there was not then much difference between a City *and* Burgh, *both Appellations being given to one and the ſame Town;* Leiceſter *never had* * *Biſhops, and at this time* Gloceſter *had none, the great diſtinction grew, after* Cities *were made* Counties *by Charter.*

* Sir *Edward Coke*, ſays, all Biſhops Sees are Cities, &c.

Nor was the Condition of London *(unleſs Men would think otherwiſe from the largeneſs of the place only,) much better or the* Liberties, *and* Privileges *of it, more, or much greater than thoſe of other* Cities, *and great* Burghs. *Notwithſtanding the Prodigious Flatteries, and Elevating Harangues, it hath been puffed up with by the Author of* Londinum * Triumphans, *Printed and Dedicated to the Men in Authority, in the Year* 1682. *And by the Writings of many others, Ancient and Modern, who either on purpoſe, or occaſionally, wrote what they found concerning this City, without Examination, and ſo were Deluded by ſuch as went before them, or by their own Imaginations, or Apprehenſions. Judging of its former State and Condition, (or at leaſt what in their Opinion it ought to be,) according to the preſent Splendor, and Appearance of it.*

* A Book compoſed of Fables, and the Perverted Hiſtory of ſome good Authors.

And

And to Demonſtrate what I have here ſaid, I cauſed the Charters *made to the* City *of* London, *by* Henry *the Firſt*, Henry *the Second*, Richard *the Firſt*, *and King* John, *to be Printed in the Appendix*, N. 17. *and* 18. *And likewiſe the* Charters *of* Wincheſter, Lincoln, York *and* Norwich *Granted in the ſame Times, by comparing of which one with another, there will be found but little difference in their* Compoſitions, *or in the* Immunities, Liberties, *and* Privileges *Granted by them. Except that, the* Citiſens *of* London *by the Kings Grant, had Power, and Liberty to* Diſtrein *the* Goods *of any other* Citiſens, *or* Burgeſſes, *or of any* * Inhabitants *of the* Counties, *where ſuch Foreign* Citiſens *or* Burgeſſes *lived, that were indebted to them, if found in* London, *as is to be ſeen in the* Charter *of King* Henry *the Firſt*, N. 17. *f.* 27. *A. and the Confirmation of it in General Words, in all the* Subſequent Charters, *before noted, whereas the* Citiſens *and* Burgeſſes *of other* Cities, *and* Burghs, *by their* Charters, *had not Power to* Diſtrein *the* Goods *of a* Country-Man, *or* Inhabitant *of the* County *for their* Debts, *if they were not* * Debtors *to them, or* * Sureties *for others.*

The Cities *of* Norwich, *and* Lincoln, *had* all *the* Liberties *and* Free-Cuſtoms, *of the* City *and* Citiſens *of* London, *in ſuch manner as when they did beſt, and moſt freely enjoy them. See Appendix* N. 20. and 22. *Yet never pretended to, then, ſuch unthought-of Liberties.*

And after theſe times, whoever will take the pains to read all the Charters *of* London, *(Tranſlated into Engliſh by S. G. Gent. (though not ſo exactly as he pretends,) and Dedicated to Sir* Robert Clayton, *when* Lord Mayor,) *which were Granted by King* Henry *the Firſt, and our* Succeſſive Kings, *will find, that all the* Great Privileges *and* Liberties, *that* City *lately enjoyed or pretended to, were the* Grants *of the* Kings *Progenitors; and alſo find them* Succeſſively, *and* particularly *Granted, as the* Citiſens Petitioned, Bargained, *or* Compounded *for them. And therefore no Reaſon for them to plead Immemorial Cuſtom, or Preſcription for all, or moſt things, that might have been* found *Granted by* Charter, *if thoſe imployed had had Time, or Will, to have Induſtriouſly peruſed them.*

* See the Charter of *Dunwich* N. 3. b. f. 11. A.

* See *Dunwich* Charter as above. The like in many other Ancient Charters of Burghs.

A B C D E F

THE PREFACE TO THE READER.

A

B *WHen for my own private Satisfaction I first began to inquire into the Original Constitution of Burghs, in this and Foreign Nations, What they were, and Whence their great Liberties and Priviledges, I could not find any thing in all our Writers, or Books, whosoever, or whatsoever they were, to, and in which a Rational Inquirer might give his Assent, and, in some measure, rest satisfied.*

And therefore I had Recourse unto Records, *and looked into those* Great Monuments *of* Antiquity, *and* Discoverers *of* Truth, *that I*
C *might bring to light Things themselves, and Matter of Fact concerning them. And for the clearer Demonstration of what I intended to evince, have produced all the Instances of* Cities, Burghs *and* Towns, *in Both the Books called* Domesday-Books, *from whence I could receive any Satisfaction about the* Condition *and* Import *of* Burghs *in the* Saxon *times.*

Many other Places not Noted in this Treatise, are either only called Burghs *in the* Conqueror's Survey, *or there are* Burgesses *only mentioned in the Description of them; several of which are not now esteemed*
D Burghs, *nor is there any Light or Information to be had from them what* Burghs *or* Burgesses *then were; as* Torchsey, Louth, *and* Stanford *in* Lincolnshire, Stainings *in* Sussex; *yet 'tis said in the Description of this Town, That there were in the* Burgh *(which was a distinct part of it)* CXXIII. * *Houses, that paid a* C. *Shillings and a* C. *Pence, that they were built upon a Plough-Land and half, and the Inhabitants in the time of King* Edward *did* Servile Works, *at the* Lords Court *as* Vil-
E lains *used to do,* * Ad Curiam Operabant, sicut Villani, Tempore Regis Edwardi; Sceptesbury *or* Shaftsbury *in* Dorsetshire, Domnitone *or* Dountone, Theodulveside, Saresberie, Wilton, Malmsbury, Chrichlade, *and* Caun *in* Wilts; Lideford *and* Totness *in* Devon, Colchester *and* Maldon *in* Essex, Winchelcumb *in* Glocestershire, Hereford, Snottingham *or* Nottingham. *These have the* Bare Names only *of* Burghs, *or some* Burgesses *are said to have lived in them, without any thing relating to their Quality and Condition.*

* Masuræ.

* Domesday, fol. 17. a. Col. 2.

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And to demonſtrate what I have here ſaid concerning London, *I have cauſed the* Charters *made to that* City *by* Henry *the Firſt,* Henry *the Second,* Richard *the Firſt, and King* John, *to be Printed in the* Appendix, N. 17 and 18. *And likewiſe the* Charters *of* Wincheſter, Lincoln, York *and* Norwich, *Granted in the ſame Times; by comparing of which one with another, there will be found but little difference, in their Compoſitions, or in the* Immunities, Liberties *and* Privileges *Granted by them.*

D

The Cities of Norwich *and* Lincoln *had all the* Liberties, *and* Free Cuſtoms *of the* City *and* Citizens *of* London, *Granted to them, in ſuch manner as when they did beſt, and moſt freely enjoy them. See* Append. N. 20 and 22. *yet never pretended to,* then, *ſuch* great *Liberties.*

E

And after theſe Times, whoever will take the pains to read *all the* Charters *of* London, *Tranſlated into Engliſh by* S. G. Gent. *(though not ſo exactly as he pretends) which were Granted by King* Henry *the Firſt and our* Succeſſive Kings, *will find that all the* Great Privileges *and* Liberties *that* Huge City *doth now* enjoy, *or* pretend *to, were the* Grants *of the* Kings *Progenitors; And alſo find them* ſucceſſively, *and* particularly Granted, *as the* Citizens Petitioned, Bargained *or* Compounded for them. *And therefore there is no Reaſon for* pleading *of* Immemorial Cuſtom *or* Preſcription *for all or moſt things, that might have been* found *Granted by* Charter, *with ſmall Skill and Trouble.*

F

A TREATISE OF English Burghs, OR BOUROUGHS.

ISAAC CAUSABON in his Comment upon *Strabo*, and others will have the Greek πύργος, and the Latin *Burgus* to be the same, and the later to be derived from the former, and so to signifie a *Tower*, a *Castle*, or *City*. He adds, That the *Thracians* and *Macedonians* pronounced the word βύργος in stead of πύργος.

Cluverius in his [1] *Germania Antiqua*, contradicts *Causabon*, and asserts *Burg* to be a pure *German* word, and that it signifies, The *Placing* or *Situation* of many Houses together, which was called a *Vicus* or Street, or *Rows* of Houses close to one another. Not that every *Vicus*, *Street*, or *Congregation* of Houses was a *Burg*, but such only as were the *Head* or *Chief* of some

[1] F. 89, 90.

Burg a German word.

Country or *Nation*; as **Batenburg** was the chief Town of the *Batavi*, &c. And further notes, That the word in its most ancient signification *denotes* an **Inclosure** or **Pedge**, which was otherwise called **Tuun** or **Tupn**, in the same sense as we anciently used *Ton*, or *Tun*, and now do *Town*, and the Scots *Tune*: Which by the French are rendred *Bourg* or *Bourgade*. To this purpose [2] *Luitprandus* (who lived about the year 940.) speaking of the *Burgundians*, says, *Ipsi Domorum Congregationem quæ Muro non Clauditur* **Burgum** *vocant*, They called a *Congregation* of Houses which were not *inclosed* with a *Wall*, a *Burg*. That is, it was a great Town, not Walled about. A

Tuun, Ton, Tun, Town, Tune, what they were.

[2] Ibidem.

Du Fresn in his *Glossary* agrees with *Cluverius*, and says, The *Latins*, *French* and *Germans* at first called *Numbers* of Houses joyned together *Burgs*, from whence their great Towns had the same Name, and that afterwards many *Towers* and *Castles* were built for the Security of those Towns against the Attempts of Enemies, which were also called *Burgs*, which is proved by the Termination of many *German* Towns in *Burg*; and therefore asserts the word to be rather *French*, or *German*, than *Greek*. B

Burgs why so called.

Wendelin in his *Salic Glossary* of *Atuatic* Words informs us, That **Bergh** or **Berg** sometimes signified *Receptaculum*, a place of Receit, as in **Mallo-bergum**, a word derived from **Mallus** or **Mallum**, a Convention for the Determining of Law-Cases, and **Berg** the House or Place where it was kept. So in the *Laws* of the [3] **Lombards**, *Volumus utique, ut Domus à Comite, in loco ubi Mallum tenere debeat, constituatur, ut propter Calorem Solis, & pluviam publica utilitas non remaneat.* We will, That a *House* be built by the *Earl* where the *Mall* or *Assises* ought to be holden, lest the *Public Benefit* be hindred or put off, by the *heat* of the *Sun*, or *Rain*. Also in the [4] Capitulars, *Ut in loco ubi Mallos publicos habere solent, Tectum tale Constituatur, Quod in hiberno & Estate Observatum esse possit.* We will, That in the place where *Public Malls* or *Law-Conventions* ought to be kept, there may be such a *Roof* or *Covering* provided, as they may be *holden* in *Winter* and *Summer*; in this sense **Pierberg** is now an *Inn*, or House of Common Receit: which was at first a place of Receit for Souldiers, (from *Here* an *Army*, and *Berg* as before) and set upon the *Public Roman* ways. Whence the same Author explaining the word **Berg**, saith, That in the Composition of **Walberg**, *&c. Non significat Montem aut Tumulum, sed Receptaculum & Tutamen adversus Tempestatum injurias, &c.* It doth not signifie an *Hill*, or *Hillock*, *Barrow*, *Tomb* or *Grave*, but a place of *Receit* and *Security* against the *Injury* of *Weather*. *Unde Burgen & Bergen est Tegere ac Tueri, &c.* from whence *Burgen* and *Bergen* signifie to Cover and Defend: And from thence **Halsberg** in Dutch, is an *Iron Gorget* or *Collar* to Defend the Neck. **Heutberg**, and **Haut** or **Hauberg** an *Iron Helmet* to Defend the Head, and **Bainberg** *Iron Boots* to Defend the Legs. C D E F

Bergh or *Berg* what it signifies.

[3] Lib. 2. Tit. 45. c. 27.

[4] Lib. 3. Tit. 57.

Somner in his *Saxon* Dictionary tells us, That **Burg** signifies a *City*, *Fort*, *Fortress*, *Tower*, *Castle*, a *Bourough*, *Free-Bourough* or *Town Corporate*, and Cites *Otfrid* for its Derivation from the *Saxon* **Beorgan** *in Tutum recipere, servare*, to preserve and keep in safety.

Burg signifies a City, Borough or Town Corporate.

The

The Author of the [5] Court-Law of *Norwey* gives the ſame ſenſe of the word **Burch, Burgh, Borgh. Burgum**, *Munimentum, locus Editus, & Munitus, ad ſalutem hominum.* A **Bergben** *in Tutum recipere, ſervare.* [5] P. 708. 709.

A And whether **Burgh** was taken for a place of *Strength*, or a place of *Trade*, as it was *Guarded* with the *Liberties* and *Priviledges* granted by Princes, then (and perhaps now) altogether neceſſary to the *advantage* of *Buying*, *Selling*, and *Trading*, by which Tradeſmen quietly and without diſturbance enjoy the Benefit of it, **Burghs** might truly be called *Places* of *Safety*, *Protection* and *Privilege*. But enough of the *Notation* of the word. I ſhall proceed to ſhew what *Cities* and *Burghs* were, in reference to Trade and other Matters, and of what Value and Reputation the *Inhabitants* or *Burgeſſes* were in B the *Saxon* Times, and afterwards; when they became *Parlement-Burghs*.

Norfulc [6] *Rex.*

[6] Little Domeſday, fol. 118.

Eſt Hund. de Flec.

C *Gernemwa tenuit Rex Edwardus * ſemper* LXX *Burgenſes*, King *Edward* held *Yarmouth*, there were always 70 *Burgeſſes*. And there is in the *Survey* it ſelf nothing further ſaid of theſe *Burgeſſes*, what *they* or their *Condition* was. But in a Controverſie [7] that happened between the *Burgeſſes* of *Yarmouth* and the *Tenents* of the *Maner* of *Luthinglond* in *Gorlſton* and little *Yarmouth*, in the 12th of *Henry* the Third, about *Lading* and *Unlading* of Goods, it appears they were *Merchants* and *Traders* at Sea, and upon the Water. That D the *Kings* of *England* kept this *Burg* in their own Hands, and *received* by their Officers the *Profits* of the *Port*, until the time of *King John*, who in the 9th year of his Reign [8] Granted the *Burg* in *Fee-Farm* to the *Burgeſſes* for ever, at the Rent of Fifty Five Pounds by the Year to be paid by the *Provoſt* or *Bayliff* of **Yarmouth**, and *Granted* they ſhould yearly chuſe a *Bayliff* amongſt themſelves, fit both to ſerve him, and themſelves.

Yarmouth.

* *i. e.* as well in the time of King *Edward*, as at the time of making the Survey.

[7] Append. N. 1.

[8] Append. N. 2.

E [8] *Norfulc.*

[8] Domeſday *ut ſupra.*

Hundred de Tetford Terræ Regis in Tetford, &c. After an Eſtimate made of the Lands and Mills belonging to the *King* and *Earl* or *Sheriff*, it follows.

Thetford.

F *In Burgo autem erant* DCCCCXLIIII *Burgenſes Tempore Regis Edwardi, de his Rex omnem conſuetudinem habet. De iſtis hominibus erant* XXXVI *ita* **Dominici** *Regis Edwardi, ut non poſſent eſſe homines Cujuſlibet, ſine licentia Regis; Alii omnes poterant eſſe homines Cujuſlibet, ſed ſemper tamen Conſuetudo Regis remanebat præter* **Perigete**. *Modo ſunt* DCCXX *Burgenſes &* CCXXIIII *Manſuræ vacuæ. De iſtis Burgenſibus* XXI *habent* VI *Carucatas &* LX *acr. quas tenent de Rege, &c.* That is, In the *Burg* there were 944 *Burgeſſes* in the Time of *King Edward*, and the *King* had all the *Cuſtom* they paid, or had of them

all *ſorts* of Cuſtom, of thoſe Men there were 36 ſo much under the Power of *King Edward*, or ſo much his *Vaſſals*, as they could not be the *Vaſſals* of, or have any other Man to be their *Patron*, without his *Licence*, all the other might put themſelves under the *Patronage* or *Protection* of any other Lord. But ſo as their Cuſtom always remained to the King, except only the *Hereot*. Now there are 720 *Burgeſſes*, and 224 Houſes or Dwellings void. Of theſe *Burgeſſes* 21 have ſix Plough-Lands and 60 Acres, which they held of the King, *&c.* A

[9] Ibid. f. 304. & f. 311. b.

Terræ [9] Roberti Malet *in Sudfulc.*

Dunwich.

Dunewit [9] *Tenuit* **Edricus** *de* **Leſefelde** *T. R. E. pro uno Manerio, & modo* **Robertus Malet** *Tunc* II *Caruc. Terra, modo* I, *Mare abſtulit aliam, & ſemper* I *Car. in Dominio Tunc* XII *Bordar. Modo* II *&* XXIIII *Franci homines de* XL *acr. Terræ, & omnem conſuetudinem reddunt huic Manerio, & Tunc* C *&* XX *Burgenſes, & modo* CCXXXVI. B

Edric de Leſefelde held **Dunewit** in the time of *King Edward* for one Maner, and now **Robert Malet** holds it. Then there were two *Plough-Lands*, now one, the Sea hath waſhed away the other, and there was alway one *Plough-Land* in *Demeaſn*, then twelve *Bordars*, now two, and 24 *French*, or *Free-Men*, each 40 Acres, who *pay* all *Cuſtom* to this *Maner*, and then 120 *Burgeſſes*, and now 236, *&c.* C

For the *Quality* of this *Burg* and the *Condition* of the *Burgeſſes*, ſee the *Grant* and *Confirmation* of their *Liberties*, 1 *Johannis* in the * Appendix, N. 3.

* Append. N. 3.

[1] Domeſday *ut ſupra*, f. 118. a.

[1] *Norfulc.* D

Norwich.

Franci de Norwic. In Novo Burgo XXXVI *Burgenſes &* VI *Anglici, & ex Annua conſuetudine reddebat unuſquiſque* 5 d. *præter Foriſacturas, de hoc toto habebat Rex Duas partes, & Comes Tertiam. Modo* XLI *Burgenſes Franci in Dominio Regis & Comitis, & Rogerus Bigot habet* L, *& Radulfus de Belloſago* XIIII, *& Hermerus* VIII, *& Robertus Arbaliſtarius* V. *& Fulcherus homo Abbatis* I *& Iſac.* I *& Rad. Viſo Lupi* I *& in Priſtrino Comitis* III. And then it follows, *Tota Terra Burgenſium erat in Dominio Comitis, &* * *Rad. Conceſſit Regi in Commune ad faciendum Burgum inter ſe & Regem ut Teſtatur Vicecomes, & omnes Terræ iſta tam Militum, quam Burgenſium reddunt Regi ſuam Conſuetudinem.* E

* *Ralph de Guader* that Rebelled againſt the Conqueror, *&c.*

There were 36 *French Burgeſſes* in *Norwich*, in the New *Burg*, and ſix Engliſh, and every one paid an Annual Cuſtom of 5 *d.* beſides their *Mulcts* or *Forfeitures*. The King had two parts of the whole, and the Earl the third part. Now there are 41 *French Burgeſſes* **Vaſſals** to the *King*, and *Earl*; and **Roger Bigot** hath 50, and *Ralph de Belloſago* hath 14, and *Herther* 8, and *Robert* a Manager of Battering Engines 5, *Fulcher Vaſſal* to the Abbat 1, and *Iſaac* 1, and *Ralph Wolfs-face* 1, and three in the *Earls* Bake, or Grinding-Houſe. All the Land of the Burgeſſes (in the New Burg) was the *Demeaſn* of *Earl Ralph*, who Granted it to the King in *Commune* with himſelf, F

ſelf, to * make a *Burg*, to be (that is the Profits of it) between him and the King; and all thoſe Lands which were the *Knights* or *Burgeſſes* paid their Rent to the King.

* This was the *Caſtle*, or the Land about the Caſtle; which was within its outmoſt Ditch, or within its more immediate Juriſdiction.

Norfulc.

A In the old City, or Burg.

In [2] *Norwico de* MCCXXXVIII *Burgenſibus Rex & Comes habent Socam, Sacam, & conſuetudinem, de* L *Stigandus habuit Socam, Sacam & Commendationem, de* XXII *Heroldus habuit Socam, Sacam & Commendationem, & annus eorum ita Dominicus eſſet ut non potuit decedere vel homagium facere ſine ejus Licentia.*

[2] Domeſ. *ut ſupra*, f. 116.

B In *Norwich* the *King*, and *Earl* have the Juriſdiction and Cuſtom of 1238 *Burgeſſes*, Stigand had the *Juriſdiction* and *Protection*, or Money for the *Protection* of 50, and *Herold* of 22; whereof one was ſo much his *Vaſſal*, as he could not depart or do Homage to any other, without his Licence.

[3] *Deveneſcire.*

[3] Great Domeſd. Book f. 100. a. Col. 1.

C *In Civitate Exonia habet Rex* CCC *Domus* XV. *minus reddentes Conſuetudinem, in hac Civitate ſunt vaſtate* XLVIII *Domus poſtquam Rex venit in Angliam. Burgenſes Exoniæ urbis habent Extra Civitatem Terram* XII *Carucat. Qua nullam Conſuetudinem reddunt niſi ad ipſam Civitatem.*

Exceſter.

In the City of *Exceſter* the King hath 315 Houſes more or leſs paying Rent in this City, 48 lying waſt, ſince the *King* came into *England*. The *Burgeſſes* of the *City* of *Exceſter* have 12 Plough-Lands without the *City* which pay no Cuſtom, or Rent, unleſs to the *City* it ſelf.

D This is all that is to be found in the *Deſcription* of *Exceſtre*, concerning the *Inhabitants* or *Burgeſſes* of that place.

Terra [4] *Regis.*

[4] Ibid. Col. 2.

E *Rex habet Burgum Barneſtaple, Rex Edwardus habuit in Dominio ibi ſunt intra Burgum* XL *Burgenſes &* IX *ſunt Extra Burgum, inter omnes reddant Regi* XL *Sol. ad penſum,* * *Epiſcopo Conſtantienſi* XX *Sol. ad numerum.* This is all of this Burg, and its Burgeſſes.

Barneſtaple.

* He was probably their Protector, or Patron.

F The King hath the *Burg* of *Barneſtaple*, King *Edward* had it in *Demeſn*, there are within the *Burg* 40 *Burgeſſes* and nine without, amongſt them all they pay the King 40 s. by weight, and the Biſhop of *Conſtance* 20 s. by Tale.

Rex habet [5] *Burgum Lideford; Rex Edwardus Tenuit in Dominio, ibi ſunt* XXVIII *Burgenſes intra Burgum &* XL. *Extra, inter omnes reddant Regi* LX *Sol. ad penſum, & habent* II *Carucat. Terræ Extra Burgum.*

Lideford.

[5] Ibid.

The

The King hath the *Burg* of *Lideford*, King *Edward* held it in *Demeasn*, there are within the *Burg* 28 *Burgesses*, and 41 without, amongst them all, they pay the *King* 60 s. by *Weight*, and they have two *Plough-Lands* without the *Burg*, this is all of this *Burg*, and its *Burgesses*.

[6] *Berroche Scire.*

[6] Domesd. *ut supra*, f. 56. a Col. 2. *Walingford.*

In Burgo de Walingford habuit Rex Edwardus VIII *Virgatas Terræ, & in his erant* CCLXXVI * *Hagæ reddentes* XI *Lib. de Gablo, &c.* In the *Burg* of *Walingford* King *Edward* had eight *Virgates* of Land, upon which were 276 *Hages* or Houses, paying eleven Pound Rent. The rest of the *Description* of this *Burg* is a long and rude *Catalogue* of all the *Hages* or Houses belonging to this Town, and their Owners being either in *Barkshire* or *Oxford-shire* sides. With their *Rents* or *Customes*, many whereof belonged to Forreign Maners, not one word of any *Burgesses* in the Survey. But by the *Charter* of King [7] *Henry* the Second, there were many and large *Liberties* and *Privtledges* granted them by the Name of *Burgesses* of *Walingford.*

* From the Saxon *Haegh* a House, which was commonly Ditched, or Hedged about, whence our word Haye, or Hey.

[7] Append. N. 4.

[8] *Sudfolc.*

[8] Little Domesd. f. 290. a.

De Dimid. Hund. de Gepeswit.

Ipswich.

In Burgo erant Tempore Regis Edwardi DXXXVIII *Burgenses reddentes consuetudinem Regi, & habebant* XL *acr. Terræ. Modo vero sunt* CX *Burgenses, qui consuetudinem reddunt, &* C *pauperes Burgenses, qui non possunt reddere ad Geltum Regis nisi unum Denarium de suis Capitibus &* CCCXXVIII. *Vastatæ sunt, &c.* In the *Burg* of *Gipswic*, or *Ipswich*, there were in the time of *King Edward* 538 *Burgesses* which paid Custom to the King, and had 40 Acres of Land, now there are only 110 *Burgesses* which pay Custom, and 100 *poor Burgesses*, which can only pay one Penny a Head, and 328 *Mansions* lye waste; nothing more of this Town as a *Burg*, or of its *Burgesses.*

Sudfulc.

Terra [9] Roberti Malet. Hund. de Hertesmera.

[9] Domesd. *ut supra*, f. 319. b. *Eye.*

Ejam Tenuit Edricus XII *Car. Terræ T. R. E. Modo Tenet R. in Dominio, &c. Et modo* [1] *mercatum, &* [1] *Parcus, & in Mercato Manent* XXV *Burgenses. Huic Manerio pertinent* XLVIII *socmani* CXXI *acr. Terræ. Ex his socmannis sunt* XXXVII *in Dominio, &c.*

The Land of *Robert Malet*, in the Hundred of *Hartesmer.*

Edric held *Eye*, there were 12 *Plough-Lands* in the time of *King Edward*, now *Robert* holds it in *Demeasn, &c.* And now there is a *Market*, and a *Pound* for *Cattle*, or rather a *Park* for Deer. And to the *Market* belong 25 *Burgesses.* To this *Maner* there belonged 48 *Socmen*, who had 121 Acres of Land, of these *Socmen* there were

37 in *Demeasn*, or the Lords Vaſſals. This is all concerning the *Burgeſſes* of this Town.

[1] *Bochingham Scire.*

A *Bochingham* [1] *cum Bortone pro una Hida ſe defendebat T. R. E. & modo ſimiliter facit. Terra eſt* VIII *Caruc. in Dominio ſunt* II *& Villani habent* III *Car. & Dimid. & adhuc Due & Dimid. poſſunt fieri. Ibi ſunt* XXVII *Burgenſes &* XI *Bordar. &* II *Servi, Ibi.* 1. *Molin. de* XIIII *Sol. Pratum* VIII *Car. paſtura ad Pecuniam Ville. In totis valentiis T. R. E. reddebat* X *Lib. ad Numerum, Modo reddit* XVI *Lib. de albo argento.*

[1] Great Domeſd. Book, f. 143. Col. 1. *Buckingham.*

B *Eccleſiam hujus Burgi Tenet Remigius Epiſcopus & Terram* IIII *Caruc. Quæ ad eam pertinet ibi ſunt* IIII *Carucæ &* III *Villani &* III *Bordar. &* X *Cotar. Et* I *Molin.* X *Solidor. Pratum* II *Car. Nemus ad ſepes, valet & valuit* VI *Lib. T. R. E.* VII *Lib. hanc Eccleſiam Tenuit Willielmus Epiſcopus de Rege E.*

C *In hoc Burgo Epiſcopus Conſtantienſis habet* III *Burgenſes quos tenuit Wluvard filius Eddeve hi reddunt* VI *Sol. &* VI *Denar. per annum & * Regi reddunt* XI *Denar.*

* Q. Whether this *not Geltum Regis*, which is frequently ſaid to be paid by Burgeſſes in General.

Hugo Comes habet I *Burgenſem qui fuit homo Burcardi de Senelay hic reddit* XXVI *Denar. per annum, & Regi* V *Denar.*

Robertus de Olgi habet I *Burgenſem qui fuit homo Azor f. Toti, hic reddit* XVI *Denar. per annum, & Regi* V *Denar.*

D *Rogerius de Juri habet* IIII *Burgenſes qui fuerunt homines ejuſdem Azor hi reddunt* VII *Sol. &* VI *Denar. & Regi* XIII *Denar.*

Hugo de Bolebec habet IIII *Burgenſes qui fuerunt homines Alrici. Hi reddunt* XXVIII *Denar. & Regi* XII *Denar.*

Manno Brito habet IIII *Burgenſes qui fuerunt homines Eddeve feminæ Syred hi reddunt* XXIX *Denar. Regi nil Debent.*

E *Huſcojus Muſart habet* I *Burgenſem qui fuit homo Azor. f. Toti, hic reddit* XVI *Denar. & Regi* II *Denar.*

Muſart.

Ernulfus de Heſding habet I *Burgenſem qui fuit Wilaf hic reddit per annum* II *Sol. & Regi* III *Denar.*

Willielmus de Caſtellon de Feudo Epiſcopi Baiocenſis habet II *Burgenſes, qui fuerunt homines Leuvini Comitis hi reddunt* XVI *Denar.* F *& Regi modo Nichil. Sed T. R. E. reddebat* III *Denar.*

De Feudo Alberici Comitis I *Burgens reddit Regi* II *Denar.*

Leuumus de Neuucham habet V *Burgenſes & T. R. E. habuit, Hi reddunt ei* IIII *Sol. per annum & Regi* XII *Denar.*

Bochingham with *Borton* was *Taxed* for one *Hide* in the *Time* of King *Edward*, and now likewiſe, the Arable is eight *Plough-Lands*. There are two in *Demeaſn*, and the *Villans* have three *Plough-Lands* and half, and yet there may be two more and half. There are 27 *Burgeſſes*, and eleven *Bordars*, and two *Servants*, there is one *Mill* of 14 s. Rent, *Meadow* ſufficient for the eight Plough-Lands. *Paſture* for the *Cattle* of the Town, for all Dues it paid in the *Time* of King *Edward Ten Pounds* by Tale, now it pays *Sixteen Pounds* of White Money. A

* A Norman and Biſhop of *Lincoln*.

Biſhop * *Remigius* holds the *Church* of this *Burg*, and four Plough-Lands which belong to it. There are four Ploughs, and three *Villans*, and three *Bordars*, and ten *Cotars* and one *Mill* of 10 *s*. Rent. *Meadow* ſufficient for two *Ploughs*, and *Wood* ſufficient for *Hedges*, it is and was worth *Six Pounds* by the Year, in the *Time* of King *Edward* it was worth *Seven Pounds*, Biſhop *Wluui* held this Church of King *Edward*. B

* In *Normandy*. The Burgeſſes of *Buckingham* paid a yearly Rent to their Patrons, or Protectors.

In this *Burg* the Biſhop of * *Conſtance* hath three *Burgeſſes*, which *Wlward* the Son of *Eddeve* held; theſe pay *Six Shillings* and *Six Pence* to him by the Year, and to the *King* Eleven Pence.

Earl *Hugh* hath one *Burgeſs* who was the *Comendatus*, or under *Protection* of *Burcard* of *Senelay*, he paid *Twenty Six Pence* by the Year, and to the *King Five Pence*. C

Robert D'oyly hath one *Burgeſs* who was the *Man*, or under the *Protection* of *Azor* the Son of *Tot*, he paid *Sixteen Pence*, and to the King Five Pence.

Roger de Juri hath four *Burgeſſes* which were under the *Patronage* of the ſame *Azor*, theſe paid Seven Shillings and Six Pence, and to the *King* Thirteen Pence. D

Hugh de *Bolebec* hath four *Burgeſſes* who were the *Men*, or under the *Patronage* of *Alric*, theſe paid Twenty eight Pence, and to the *King* Twelve Pence.

Manno a *Britain* hath four *Burgeſſes*, which were the *Men*, or under the *Protection* of *Eddeve* the Wife of *Syred*, theſe pay Twenty nine Pence, they owe nothing to the King. E

Haſcoy *Muſart* hath one *Burgeſs* who was under the *Protection* of *Azor* Son of *Tot*. He paid Sixteen Pence, and to the King Two Pence.

Ernulf of *Heſding* hath one *Burgeſs* who was *Wilaf*'s, he pays Two Shillings, and to the *King* Three Pence. F

* In *Normandy*.

William de *Caſtellon Feudal Tenent* to the *Biſhop* of * *Bajeux* hath two *Burgeſſes*, who were under the *Protection*, or the *Men* of Earl *Leuuin*, theſe paid Sixteen Pence, and nothing now to the *King*, but in the *Time* of *King Edward* they paid Three Pence.

One

One *Burgeſs* was of the Fee of Earl *Alberic*, and paid to the King Two Pence.

Leuuin of *Neuueham* hath Five *Burgeſſes*, and had *them* in the *Time* of *King Edward*. Theſe pay to him 4 *s.* by the year, and to the *King* 12 Pence.

A

Here are all the 27 Burgeſſes of this Burg *Obnoxious* to, and under the *Protection* of *Foreign Lords*, and *Patrons*.

Northantſcire.

B *Tempore* [2] *Regis Edwardi fuere in Northantone in Dominio Regis LX Burgenſes habentes Totidem Manſiones, ex his ſunt modo XIV Vaſte. Reſidue ſunt XLVI. præter hos ſunt Modo in Novo Burgo XL Burgenſes in Dominio Regis Willielmi.*

[2] Domeſd. *ut ſupra*, f. 219. a. Col. 1. *Northampton.*

In the *Time* of King *Edward* there were in *Northamton* 60 *Demeaſn-Burgeſſes* of the King, or 60 *Burgeſſes Vaſſals* to him; that had ſo many *Manſions*, of which 14 are now waſte. The Reſidue are 46. Beſides theſe, there are now in the * New Burg 40 *Demeaſn-Burgeſſes* of King *William*. This is all I find either concerning this as a *Burg*, or its *Burgeſſes*; only a little further 'tis ſaid, *Burgenſes de Hantone reddunt Vicecomiti per Annum XXX Lib. & X Sol. hoc pertinet ad firmam ipſius.* The *Burgeſſes* of *Hamton* pay to the *Sheriff* 30 Lib. and 10 *s.* by the year, and it belongs to his *Farm*, (that is, his *Farm* of the whole *Shire*.)

C

* The New Burg was either the Caſtle, or ſituate within the Precinct of it.

Hertfordſcire.

D *Burgum* [3] *Hertford, pro X hidis ſe Defendebat T. R. E. & modo non facit, ibi erant CXLVI Burgenſes in Soca Regis Edwardi.*

[3] Domeſd. *ut ſupra*, f. 132. a. Col. 1. *Hertford.*

Alios XVIII Burgenſes habet Rex Willielmus, qui fuere homines Comitis Heraldi, & Comitis Leuuini, omnes Conſuetudines reddunt.

E The *Burg* of *Hertford* in the time of King *Edward* was *Taxed* as much as Ten Hides, now not ſo much: There were 146 *Burgeſſes* under the *Liberty* or *Privilege* of King *Edward*.

King *William* hath 18 others, that were the *Men*, or under the *Protection* of Earl *Herald*, and Earl *Leuuin*. They paid all Cuſtoms.

Nothing more relating to Burg or Burgeſſes in this place.

Eurnicſcire.

F *In Eboraco* [4] *Civitate Tempore Regis Edwardi præter Scyram Archiepiſcopi fuere VI Scyræ, una ex his eſt Vaſtata in Caſtellis. In Quinque Scyris fuere Mille & Quadringente & Octodecim Manſiones * hoſpitate, &c.*

[4] Domeſd. *ut ſupra*, f. 298. a. Col. 1. *York.*

* Such as were let for an annual Rent, and the Inhabitants bound to reſide in them.

De ſupradictis omnibus Manſionibus ſunt modo hoſpitate in manu Regis reddentes Conſuetudinem quadringente IX Minus inter Magnas & Parvas. Et CCCC *Manſiones non Hoſpitate, que reddunt Melior* I *Denar. & alie Minus, & Quingente & XL Manſiones ita vacue quod nil omnino reddunt. Et CXLV Manſiones tenent Francigene.*

In *York* City in the *Time* of King *Edward*, beſides the *Archbiſhop*'s *Ward* or *Diviſion*, there were ſix *Wards* or *Diviſions*, one of theſe was deſtroyed when the *Caſtles* were built; in five there were 1418 *Manſions* inhabited, *&c.* A

Of all theſe *Manſions* there are in the *King*'s Poſſeſſion *inhabited*, and paying *Cuſtom* 409 great and ſmall, and 400 *Manſions* not * *inhabited*, the *beſt* of which pays one Penny, and others leſs; and 540 *Manſions* ſo *uninhabited* as they yield *nothing* at all. The *French* hold 145. The reſt of the *Deſcription* of this *City* is taken up, in ſetting down many particular *Proprietors* of *Manſions*, and ſome particular *Cuſtoms* and *Privileges* belonging to ſome of them. No *mention* of *Burgeſſes*, but as it were after the following manner: *Sanctus Cutbertus habet* I *Domum quam ſemper habuit, ut plures dicunt, quietam ab omni Conſuetudine. Sed Burgenſes dicunt non eam fuiſſe quietam T. R. E. niſi ſicut una Burgenſium, niſi tantum quod propter eam habebat Theloneum ſuum, &c.* Saint *Cutbert*, or the *Church* of *Dureſm*, hath one Houſe which it always had, as many ſay, *free* from all *Cuſtom*; but the *Burgeſſes* ſay it was not *free* in the *Time* of King *Edward*, otherwiſe than one of the *Burgeſſes* Houſes was *free*, except by reaſon thereof he paid no * *Toll.* B C

* *Non hoſpitatæ*; *i.e.* they had no conſtant Inhabitants tied to Reſidence, but ſuch as went and came as they pleaſed.

* For things bought and ſold in the Market; eſpecially Victuals.

Chenth.

In Civitate [5] *Cantuaria habuit Rex Edwardus* L *&* I *Burgenſes reddentes Gablum, & alios CC & XII ſuper quos habebat Socam & Sacam, &c. Modo Burgenſes Gablum reddentes ſunt XIX. de aliis qui fuerant XXXII obierunt, & adhuc ſunt CC & XII Burgenſes ſuper quos habet Rex Sacam & * Socam, &c.* D

*Burgenſes habuere XLV Manſuras extra Civitatem, de quibus ipſi habebant Gablum & * Conſuetudinem, Rex autem Sacam & Socam, ipſi quoque Burgenſes habebant de Rege XXXIII Acr. prati in Gildam ſuam, has Domus & hanc Terram Tenet Ranulphus de Columbels, habet etiam quater XX Acras Terræ ſuper hæc. Quas Tenebant Burgenſes in Alodia de Rege, de his omnibus revocat iſdem Rannulfus ad Protectorem Epiſcopum Bajocenſem.* E

In the *City* of *Canturbury* King *Edward* had Fifty one *Burgeſſes* paying Rent, and other 212 under his *Privilege* and *Juriſdiction*, &c. Now the *Burgeſſes* paying Rent are 19, the others which were 32 are dead, and yet there are 212 under the King's *Privilege* and *Juriſdiction.* F

The *Burgeſſes* had Forty Five Houſes without the City, of which they had the *Rent* and *Cuſtom*, but the *King* had the *Jurisdiction* and *Soke.* The *Burgeſſes* alſo had of the King Thirty Three Acres of *Meadow* which was toward the *maintenance* of their *Guild*, or belonging

[5] Domeſd. *ut ſupra*, f. 2. a. Col. 1. *Canturbury.*

* Money paid for their Liberty and Privilege.

* Probably Forfeitures and Toll in this place.

longing to their *Society*, beſides theſe, which the *Burgeſſes* held freely of the King. For all theſe the ſame *Ranulf* voucheth the *Biſhop* of *Baieux* for his * *Protector*. Nothing more here concerning the *Burgeſſes*.

*He held them of him, and he was his Warrant for the Poſſeſſion.

Chenth.

A Terra Archiepiſcopi Cantuarienſis.

Archiepiſcopus [6] *Tenet Aldingtone in Dominio, &c.*

In Romenel [6] *ſunt quater* XX & V *Burgenſes qui* * *pertinent ad Aldintone Maner. Archiepiſcopi, & valuerunt & modo valent Domino* VI *Lib.*

[6] Domeſd. *ut ſupra*, f. 4. a Col. 1.
* *Pertinentes, ſervi qui ad aliquem pertinent, ſubditi, tenentes*, &c. du Freſn, in verbo. *Romeney.*

B The Archbiſhop holds *Aldingtone* in Demeaſn, *&c.*

In *Romeney* there are Eighty Five *Burgeſſes*, which belong to *Aldinton* the *Maner* of the *Archbiſhop*, and they were worth, and now are worth to the *Lord* Six Pounds, (that is, ſo much by the Year.)

[7] *Huntedune Scire.*

[7] Domeſd. *ut ſupra*, fi. 203. a Col. 1,
* *Ferlingus*, or, *Quarentena Terræ tunc continebat* 32 *acras Terræ.* *Huntingdon.*

C *In Burgo Huntedone ſunt* IIII * *Ferlingi. In duobus Ferlingis T. R. E. fuerunt & ſunt modo* CXVI *Burgenſes Conſuetudines omnes & Geldum Regis reddentes, & ſub eis ſunt* C *Bordarii qui adjuvant eos ad perſolutionem Geldi. De his Burgenſibus habuit Sanctus Benedictus de Rameſyg.* X *cum Saca & Soca, & omni Conſuetudine: Tantummodo Geldabant T. R. E. Hos abſtulit Euſtachius per vim de Abbatia, & ſunt modo cum ceteris in Manu Regis.*

D *Ulf Feniſc habebat* XVIII *Burgenſes, modo habet Giſlebertus de Gand cum Saca & Soca præter Geldum Regis.*

In the *Burg* of *Huntington* there were Four *Furlongs*. In two of them there are now and were in the *Time* of King *Edward* 116 *Burgeſſes*, paying all *Cuſtoms*, and the Kings Tax, and under them are 100 *Bordars* which *help* them to pay the *Tax*. Of theſe *Burgeſſes* E the *Abby* of *Rameſy* had Ten with *Jurisdiction*, and *Soke-Money*, and all *Cuſtom*. They were only *Taxed* in the time of King *Edward*. Theſe *Euſtachius* (the Earl) took by force from the *Abby*, and they are now with the reſt in the *Kings* Hand.

Ulf Feniſc had Eighteen *Burgeſſes*, now *Gilbert* de *Gand* hath them, with Juriſdiction and *Protection-Money*, except the *Kings Tax.*

F The further *Deſcription* of theſe Two Furlongs is in *noting*, who had been *Proprietors*, and what *Houſes* had been *deſtroyed* for a *place* to *build* the *Caſtle* in.

In aliis duobus [8] *Ferlingis fuere & ſunt* CXL *Burgenſes ad omnes Conſuetudines & ad Geldum Regis, & iſti habebant quater* XX *Hagas pro quibus dabant & dant omnes Conſuetudines, de his habebat Sanctus*

[8] Ibidem.

ctus Benedictus de Rameſy XXII. T.R.E. Duo ex his fuere quieti ab omnibus Conſuetudinibus, & XXX reddidere quiſque X Denar. per Annum.

In the other *two Ferlings* there were, and are 140 *Burgeſſes* which pay all *Caſtoms*, and the *Kings Tax*, and they had Eighty *Hages* or *Houſes*, for which they did *give*, and do *give* all *Cuſtoms*, of which the *Abby* of *Ramſey* had Twenty two in the *Time* of King *Edward*; Two of theſe were *free* from all *Cuſtoms*, and Twenty paid every one Ten pence by the Year, the *Reſidue* of the *Survey* of theſe two *Furlongs* is as the other, nothing more of the *Burgeſſes*. A

Stadford Scire.

[9] Domeſd. f. 246. a Col. 1. *Stafford.*

In Burgo de [9] *Stadford habet Rex in ſuo Dominio* XVIII *Burgenſes*, the King hath in *Demeaſn* Eighteen *Burgeſſes* in the *Burg* of *Stafford*, nothing further particularly about the *Burg* or *Burgeſſes*. B

Terra Henrici de Ferrariis, vel Ferieres.

[1] Ibid. f. 248. b Col. 1. *Tutberie Caſtle.*

Henricus de [1] *Ferreres habet Caſtellum de Toteberie, in Burgo circa Caſtellum ſunt* XLII *homines de Mercato ſuo tantum viventes, & reddunt cum foro* IIII *Lib. &* X. *Sol.* C

Henry de *Ferrers* hath the *Caſtle* of *Tutbury*, in the *Burg* about the Caſtle are XLII * *Men*, which only *Live* upon his *Market*, and they with the *Market* yeild Four Pounds and Ten Shillings.

* *i. e.* Burgeſſes.

Sumerſete.

[2] Domeſd. f. 87. a Col. 2. *Bath.*

Rex tenet [2] *Bade T. R. E. Geldabat pro* XX *Hid. Quando Scira Geldabat. Ibi habet Rex* LXIIII *Burgenſes reddentes* IIII *Lib. & quater Viginti &* X *Burgenſes aliorum hominum reddunt ibi* LX *Solid.* D

The *King* holds *Bath*, in the *Time* of King *Edward* it was Taxed at the rate of Twenty Hides, when the Shire was Taxed. There the King hath Sixty four *Burgeſſes*, paying him four Pound by the Year, and there are Ninety under the *Protection* of other Men which pay Sixty Shillings yearly, nothing more of this Town or its *Burgeſſes*. E

[3] Ibib. b Col. 1. *Taunton.*

In [3] *Tanton* there is only mention of Sixty Four *Burgeſſes* which paid Thirty Two Shillings, but there are many Privileges noted to belong to that Town then.

Hanteſcire. F

[4] Domeſd. f. 52. a Col. 1. *Southampton.*

In Burgo de [4] *Hantune habet Rex in Dominio quater* XX *homines* IIII *minus, qui reddunt* VII *Lib. de Gablo Terræ, & totidem reddiderunt T. R. E.* In the *Burg* of *Hamton* the King hath in Demeaſn, or his immediate ſubjection, Eighty Four *Men* or *Tenents* at leaſt, which pay Seven Pound Rent for their Land, and ſo much they paid in

in the time of King *Edward*, not one *word* of any *Burgesses* in the *Survey* of this Town, unless these Eighty four Men were such, as there can be no doubt but they were.

Sudsexe.

A Terra Willielmi de Waren.

Burgum de [5] *Lewes T. R. E. reddebat* VI *Lib.* & IIII *Solid.* & III *obolos de Gablo & de Theloneo ibi Rex Edwardus habebat* CXXVII *Burgenses in Dominio.* The *Burg* of *Lewes* in the *Time* of King *Edward* did yield 6 *l.* 4 *s.* 1 *d. ob.* for Rent and Toll. There King *Edward* had 127 *Burgesses* in *Demeasn*, or in immediate *Subjection* to him, or that were his Vassals.

[5] Ibid. f. 26. a Col. 1. *Lewes.*

B

Sudsex. Terra Comitis Meritonienſis.

In Burgo [6] *Pevensel T. R. E. fuere* XXIIII *Burgenses in Dominio Regis & reddebant de Gablo* XIIII *Sol.* & VI *Denar. de Theloneo* XX *Sol. De portu* XXV *Sol. De pastura* VII *Sol.* & III *Denar.*

[6] f. 20. b Col. 1. *Pevensey.*

Episcopus de Cicestre habebat V *Burgenses. Edmer Presbyter* XV,
C *Ormer Presbyter* V, *Doda Presbyter* III.

Quando Comes de Moritonio recepit, nisi XXVII *Burgenses, modo habet ipse in Dominio* LX *Burgenses reddentes* XXXIX *Sol. de Gablo. Theloneum* IIII *Lib. Moneta* XX *Sol.*

Monachi de Moritonio VIII *Burgenses de* LXVI *Denar. Gisslebertus Vicecomes* I *Burgensem de* XX *Denar. Willielmus de Cahainges* II
D *Burgenses de* II *Sol. Ausfridus* IIII *de* II *Sol. Giroldus* II *de* VI *Sol.* And so others that had *Burgesses* in this *Burg* to the Number of Forty one *Burgesses* under several *Patrons.*

In the *Burg* of *Pevensey* in the *Time* of King *Edward* there were Twenty four *Burgesses* in *Demeasn* of, or *Vassals* to the King, who paid Fourteen Shillings and Six pence Rent. Tol. Twenty Shillings, *Port Custom*, or for *use* of the *Port* Twenty five Shillings, for Pasture
E Seven Shillings and Three pence.

The *Bishop* of *Chichester* had Five *Burgesses*, Edmer a *Priest* Fifteen, Ormer a *Priest* Five, Doda a *Priest* Three.

When the *Earl* of *Moreton* received this *Burg*, he had but Twenty seven *Burgesses*, now he hath in *Demeasn* Sixty *Burgesses*, paying Thirty nine Shillings Rent, *Tol.* Four Pound, *Money* Twenty
F Shillings.

The *Monks* of * *Moreton* had Eight *Burgesses* which paid them Sixty six pence, *Gilbert* the *Sherif* one *Burgess* which paid Twenty pence. *William* de *Cahainges* Two *Burgesses* that paid him Two Shillings. *Ausfrid* Four that paid Two Shillings. *Girold* Two that paid Six Shillings, *&c.* These were Annual Payments.

* In *Normandy.*

In

[7] Domesd. f. 23. a Col. 1. *Chichester.*

In the *City* of [7] *Chichester*, no mention of any *Burgesses*, only of *Hages*, *Houses* and *Dwellings*, and that it paid Ten Pound yearly to the King, and Five Pound to the Earl in King *Edwards* time. That it was then worth but Twenty five Pound, yet it paid Thirty five Pound.

[8] Ibidem. *Arundel.*

Castrum [8] *Harundel inter Burgum & Portum Aquæ, & Consuetudinem Navium reddit* XII *Lib. & tamen valent* XIII.

A

The *Burg* and *Port*, of the *Castle* of *Arundel*, with the *Custom* of *Ships*, yeilded Twelve Pounds, and were worth Thirteen Pounds.

Morinus habet ibi Consuetudinem de II *Burgensibus* XII *Denar. Ernaldus* I *Burgensem de* XII *Denar. Sanctus Martinus* I *Burgensem de* XII *Denar.*

B

Morin had there the Custom of Two *Burgesses* Twelve pence. *Ernald* of One *Burgess* Twelve pence, the *Church* of St *Martin* one *Burgess* Twelve pence.

Warwic Scire.

[9] Domesd. f. 238. a Col. 1. *Warwicke.*

In Burgo de [9] *Warwic habet Rex in Dominio suo* CXIII *Domus, & Barones Regis habent* CXII *de quibus omnibus Rex habet Geltum suum.*

C

In the *Burg* of *Warwic* the King hath in his Demeasn 113 Houses, and the Kings *Barons* have 112, of all which the King hath his Tax. And then the Survey notes all the *Bishops*, *Abbats*, *Earls* and *Barons*, that were possessed of those Houses. Nothing further of the *Burgesses* and *Burg* to any purpose, except these Words. *In ipso Burgo* XIX *Burgenses qui habent* XIX *Mansuras cum Saca & Soca & omnibus Consuetudinibus & ita habebant T. R. E.* In this *Burg* there are Nineteen *Burgesses* who had Nineteen *Houses*, with *Jurisdiction*, *Protection-Money* and all *Customs*, or *Forfeitures* incurred in them, and so it was in King *Edward*'s time.

D

Terra Regis.

E

[1] Ibid. Col. 1. *Coleshelle & Tameworth.*

Rex tenet [1] *Coleshelle, &c. Et in Tameworde* X *Burgenses huic Manerio pertinentes.* The King holds *Coleshull* and Ten *Burgesses* in *Tamworth* belonging to this *Maner.* That is, paid their *Customs* to the *Lords* of it.

Wiltescire.

F

Terra Regis.

*Ibid. f. 64. b. versus finem.

Rex * *habet de tertio Denario de Chrichelade* V *Lib.*

The *King* hath Five Pounds of the Third Peny of *Cricklade.*

Rex

Rex * *Tenet Albeborn, Ghida tenuit T. R. E. Geldabat pro* XL *Hidis, &c. Huic manerio pertinebant* VI *Burgenſes de Chrichelade reddentes* LXIIII *Denarios.*

* Ibid. fol. 65. a Col. 1. C 7. fol. 15.

The King holds *Albeborn*, Ghida held it in the *Time* of King *Edward*, to this *Maner* there were *Six Burgeſſes* of *Chrichelade* Servants, or *baſe Tenents*, who paid yearly *Sixty four* pence.

A

Epiſcopus * *Sariſberienſis tenet Ramesberie, &c. In Chrichelade huic Manerio pertinentes* V *Burgenſes, reddunt* V *Sol.*

* Ibid. f. 66. a Col. 1.

The *Biſhop* of *Salisberie* holds *Rameſberie, &c.* In *Chrichelade* there are *Five Burgeſſes*, Servants, or *Baſe Tenents* to this *Maner*, who paid *Five Shillings* yearly.

B *Eccleſia* * *Glaſtinberienſis tenet Badberie, &c. In Chrichelade* I *Burgenſis reddit* V *Denarios.*

* Ibid. f. 86. b Col. 1.

The Church of *Glaſtonbury* holds *Badberie, &c.* In *Chrichelade*, one *Burgeſs* paying *Five pence* by the Year.

Eccleſia * *Sancti Petri Weſtmonaſterienſis tenet Eccleſiam de Chrichelade, & habet ibi plures Burgenſes, & Tertium Denarium ejuſdem*
C *Villæ. Totum ſimul Reddit* IX *Lib. Quod habet Sanctus Petrus Weſtmonaſterienſis.*

* Ibid. f. 67. a.

The Church of St *Peter* at *Weſtminſter*, holds the *Church* of *Chrichelade*, and hath there many *Burgeſſes*, and the *Third Peny* of the ſame Town; all together yeild to that *Church*, *Nine* Pounds.

Eccleſia * *Sceptberienſis tenet Ledington, &c. In Chrichelade* I
D *Burgenſis reddit* VI *Denarios.*

* Ibid. f. 67. b Col. 2.

The Church of *Shaftsbury* holds *Ledington, &c.* In *Chrichelade One Burgeſs* (that is, *One Burgeſs* belonging to that Maner) who paid *Six Pence* by the Year.

In Wallia.

E

In ipſo Manerio [2] *Roelend eſt factum noviter Caſtellum ſimiliter Roelent appellatum, ibi eſt Novum Burgum & in eo* XVIII *Burgenſes inter Comitem & Robertum.*

[2] Ibid. f. 269. a Col. 2. *Roelent.*

In ipſo Anno hujus Deſcriptionis datum eſt ad firmam hujus Burgi Theloneum pro III *Solid.*

F In the *Maner* of *Roelent* there was lately erected a *Caſtle* called alſo *Roelent*: There is a *New Burg*, and in it Eighteen *Burgeſſes* between the *Earl*, (that is, *Hugh Earl* of *Cheſhire*,) and *Robert* (that is, *Robert* de *Roelent*.

In the year of this * *Deſcription*, the *Toll* of this *Burg* was let to Farm for Three Shillings.

* That is, in the year when the Deſcription of *Cheſhire* and this Country was made.

By

By these Instances (which are all can be found in both *Domesday Books*, that do give any light to the understanding what *Burgs* and *Burgesses* were in the *Saxon* times, and in the *Reign* of *Edward* the *Confessor*, as likewise afterward in the *Reign* of *William* the *Conqueror*) we find the *Burgesses* or *Tradesmen* in great Towns, had in those times their *Patrons* under whose *Protection* they *Traded*, and paid an *acknowledgement* therefore; or else were in a more Servile Condition, as being in *Dominio Regis vel aliorum*, altogether under the *Power* of the *King*, or other *Lords*, and it seems to me that then they *Traded* not, as *being* in any *Merchant-Gild*, *Society* and *Community*, but meerly under the *Liberty* and *Protection* given them by their *Lords* and *Patrons*, who probably might have *Power* from the *King* to *Licence* such a number in this or that Port, or Trading Town. A

Tradesmen in the Saxon times, and in the time of the Conqueror had their Patrons, under whose Protection they Traded.

And any Man would think the *Charter* of the *Conqueror*, obtained by *William Bishop* of *London*, looked this way, and that it was a meer *Instrument* of *Protection* rather than a *Charter*. The Saxon Words are these, as they are found in [3] *Holinshead*. B

[3] Vol. 3. f. 15. n. 20.

See these words in more plain Saxon, pat. 2. Ed. 4. part. 5. m. 23. *per inspeximus*.

Willem King grets Willem Bisceop & Godfred Port-Refan, & ealle ya Burghwarn binnen London Frencise & Engliſe Frendlice, & ic Kiden eoy, yeet ic wille git ben ealra weera Lagay-Weord, ye get Weeran on Eadwerds Daege Kings. And ic Wille yeet aelc Child by his Fader yrfnume after his Fader Daege. And ic nelle ge Wollian yeet adnig Man eoy aenis Wrang beode. God eoy heald. That is, C

William the *King* Greets *William* the *Bishop*, and *Godfrey* the * *Port-Reve*, and all the *Burgesses*, or rather *Inhabitants* of the *Burg*, within **London** *French* and *English* Friendly. And I declare to you, that I will that you be all *Law-Worthy* as ye were in King *Edward*'s Days, and I will that each *Child* be his Fathers *Heir*, after his *Fathers* Days. And I will not that any Man command any *Wrong* to be done to you. God you hold, or Keep. D

* Port-Reve, from Port an Haven or Harbour, and Reve, an Officer, Minister, or Bayliff, that doth buspeis for other Men, and the Port-Reve was the Kings Bayliff, that looked after his Customs and Tolls in the Port of *London*, before they were let to Fee-Farm. The Interpretation of the Conquerors Charter, or protection to the City of *London*.

There are two things remarkable in this *Charter*, (as 'tis call'd.) First, the *Burgesses* were declared, all to be *Law-Worthy*. Secondly, That their *Children* should be their *Heirs*. Now there were two *ways* of being *Law-Worthy*, or having the benefit of the Law. By the *State* and *Condition* of Mens *Persons*, so almost all *Free-Men* had the free benefit of the Law, but Men of *Servile Condition* had not, especially such as were *in Dominio*, in Demeasn, for they received *Justice* from their Lords, were *Judged* by them in most Cases, and had not the true benefit of the Law; so neither as to the second *observable* in this Charter, could their *Children* be their Heirs, for they *held* their *Lands* and *Goods* at the *Will* of the *Lord*, and were not sure to enjoy them longer than they pleased him. The Second way of being *Law-Worthy* was, when Men had not committed any Crimes, or done any thing for which they forfeited the Law and deserved to be *Out-Lawed*, then they were said to be *Legales homines*, *recti in Curia*, or *Law-Worthy*, but not so properly as in the first Sense of the Word. E F

From

From hence we may make a very probable *Conjecture* at the true meaning of this *Protection* or *Charter*. It is not to be doubted, but that the *Burgesses* of *London* had obtained of the *Saxon* Kings several *Liberties* and *Immunities*, amongst which this was one, to be so far Free, as not to be in *Dominio*, or so *Obnoxious* to any *Lord*, but that by *reason* of their *State* and *Condition*, they might be *Law-Worthy*,
A that is, have the *free benefit* of the *Law*, and had likewise further obtained, (if it was not then a consequent of their *Personal State* and *Condition*) that their *Children* should be *Heirs* of their Lands and Goods, and in both these were *Free* from the *Injuries*, and *unreasonable Demands*, and *Power* of any Severe Lord; So that all the application made by their * *Bishop William*, and not unlikely by *Godfrey* the *Port-Reve*, to the *Conqueror* for them, was, that their *State* and *Condition* might be the same it was in King *Edward*'s Days,
B that their *Children* might be their *Heirs*, and that they might in *both* be *Protected* from the *Injury* and *Violence* of *Imperious Lords*, which by the *Prevalency* of their *Bishop* were granted; considering therefore that by the foregoing *Instances* it is clear, that many or most *Burgesses* of other Burghs, were *in Dominio* either of the *King*, or some other *Lords* or *Patrons*, in the time of *King Edward*, and that the *Londoners* might fear the *Conqueror* would break in upon their *Privileges*, and reduce them to the same *Condition*; this Explication
C seems to discover the *Genuine* meaning, and very *Import* of this *Protection*, or, as 'tis commonly called, *Charter*.

* He had also been Bishop of *London* Sixteen years, in King *Edwards* time.

How long in most *Burghs*, very many *Burgesses* remained in this *Servile State*, or others in a *Middle* or *Neutral* State of between *Servitude* and *Freedom*; I cannot say certainly, but do suppose, until our Ancient *Norman Kings* granted by their *Charters*, there should be *Merchant* or *Trading-Gilds*, *Communities* and *Societies*, in *Burghs*,
D and gave them * *Free Liberty* of *Trade*, without paying *Toll* or *Custom* any where, other than their *Fee-Farm-Rent* in *Lieu* of them, where that was Reserved; or to raise and *Multiply* such *Payments* by *Incouragement* of Trade, which by the *Grants* of such *Liberties* did mightily *Increase*, where the *Kings Bayliffs* collected them.

A Conjecture when the Free condition of Burghs began.

* See Append. N. 1. a & b. & N. 2. concerning great *Tarmouth*.

In *France* and *Countries* adjoyning, the *Chief* and *Ruling* Inhabitants of *Cities*, *Burghs* and *Towns*, that enjoyed these *Privileges* were
E called *Communities*, which in Latin were variously expressed, by the Words [4] *Commune*, *Communia*, *Communio*, *Communitas*: Du *Fresn* in his *Glossary* and Explication of these Words, says, The Kings of *France* erected these *Communities* to cheque the *Insolencies* of their great *Vassals*, and to protect them from their over-grown *Dominion* and *Extravagant Power* over them, that they reputed such *Cities* and *Towns* their own, where there were such *Communities*; and truely, for that the *Inhabitants* were in a manner *Freed* from the *Dominion*
F of their Lords thereby, and became *immediately* Subject to their Kings, who by reason of such *Establishments* had *Power* to call them forth into their *Armies*, many such *Communities* were erected in *France* by *Dukes*, *Earls* and other great *Vassals* of that King, which were confirmed by his *Assent*, and *Supreme Right*, and where he pleased did institute, and take away such *Communities* without consulting their Lords, if the Inhabitants offended. The same *Author* says,

[4] Du *Fresn*, *in verbo*, The Communities of Cities and Burghs, here and in Foreign parts erected or confirmed by Kings.

The Rights of, or what makes a Community of a City, or Burg.

that *inter Communia Jura præcipua recenſentur*, Stabinatus, Collegium, Majoratus, Sigillum, Campana, Bertredus & Juriſdictio. That is, the chief things which conſtituted a *Community*, were, a *Major*, *Eſchevins* or *Aldermen*, a *Body*, *Society*, *Fraternity* or *Common Counſell*, out of which they were to be choſen, a *Bell-Fry* and *Bell*, to call them together to publick Meetings, a *Common Seal* and *Juriſdiction*. He gives an account of Ninety ſeven in *France*, and parts adjoyning, which were *Erected* by *Charters* of the *Ancient Kings* thereof, and their *great Vaſſals*. The moſt Antient, I find amongſt them, is the *Charter* granted by *Lewis* the Sixth called the *Groſs*, to the Town of *St. Riquier* in *Pontieu*, *A. D.* 1126. He began his Reign, *July* 26. A. D. 1108, and was *Contemporary* to our *Henry* the Firſt, they were much increaſed and multiplied by his Succeſſor *Lewis* the Seventh, who was *Contemporary* to our King *Stephen*, and *Henry* the Second. A

Communities, when they firſt began to be frequent in *France*, &c.

The Burgh-Laws when firſt publiſhed in *Scotland*.

About the ſame time the *Laws* and *Cuſtoms* of the *Burghs* of *Scotland* were publiſhed by *David* the firſt *King* of that Nation, who began his Reign A. D. 1124. and was *Contemporary* to our *Henry* the Firſt and King *Stephen*. B

It wants not *Probability*, though it manifeſtly *appears* not, that *William Rufus*, *Henry* the Firſt and *King Stephen*, being all *Uſurpers*, granted large *Immunities* to *Burghs*, to ſecure them to their Party; and by the time that *Glanvil* wrote, which was in the Reign of *Henry* the Second, Burghs had ſo great Privileges, as that if a *Bond-Man* or *Servant* [5] remained in a *Burgh* as a *Burgeſs* or *Member* of it, a Year and Day, he was by that very *Reſidence* made *Free*, and ſo it was in *Scotland*, he was always free and enjoyed the *Liberty* of the *Burgh*, if he were able to *buy* a *Burgage*, and his Lord *claimed* him not within a Year and a Day. *Si* [6] *homo Comitis vel Baronis ſeu cujuſcunque Servus fuerit, venerit in Burgo; Et emerit ſibi Burgagium, & manſerit in eodem Burgagio per unum Annum & unum Diem, ſine Calumnia Domini ſui vel ejus Ballivi: Semper erit Liber, & Libertate Burgi gaudebit ſicut Burgenſis, niſi ſit ſervus Domini Regis.* And in or before the Sixth year of this King, he granted, by *Charter* before cited, to the *Burgeſſes* of *Wallingford*, many large *Privileges* for the *Service* they did him againſt King *Stephen*, in recovering his *Hereditary* Right. *Theobald*, *Archbiſhop* of *Canturbury* was a *Witneſs* to this *Charter*, who died A. D. 1160. in the Sixth of *Henry* the Second; *Wincheſter* alſo and *Oxford* had *Charters* in the Reign of *Henry* the Second, as appears by the [5] *Charter* of *Portſmouth* in the Fifth of *Richard* the Firſt, and that of [6] *Andever* in the Sixth of King *John*. C D E

[5] Glanvil. lib. c.

[6] Leg. Burg. Scot. c. 17.

[5] Append. n. 5.
[6] Ibid. n. 6.

Why theſe were called *Free-Burghs*, and why the *Tradeſmen* in them were called Free *Burgeſſes*, the *Charters* themſelves will inform us, in the *Charter* of [7] *Dunwich*, *Johannis* 29 *Junii*. *Sciatis, nos conceſſiſſe quod Burgum de Dunewic. Sit Liberum Burgum.* So in the *Charter* of *Bridgwater*, granted to *William Brewer*. [8] *Quod Bruge Walteri*, 2 *Johannis* 26 *Junii*, *ſit Liberum Burgum*, *& quod ibi ſit Liberum Mercatum*, and that the *Burgeſſes* of the ſame *Burg* ſhould be *Free Burgeſſes* and *quiet* of *Toll*, *Paſſage*, *Pontage*, *Laſtage* and *Stallage*, and ſhould have all *Liberties* and Free *Cuſtoms*, *Quittances*, which F

[7] Append. n. 3.

[8] Append. n. 7

Why Burghs and Burgeſſes were called Free-Burghs and Free-Burgeſſes.

which belonged to the *Crown*, through all his *Territories*, and all *Ports*, except the *City* of *London*. Likewise in the *Charter* of *Helleſton* in *Cornwall*, 2 *Johan*. *Ut ſit* [9] *Burgus noſter de Helleſton Liber Burgus, &c.* After the ſame manner *King John* granted to the *Burgeſſes* of the *Town* of [1] *Yarmouth* in *Norff*. *Quod Burgenſes noſtri de Gernemua habeant Burgum de Gernemua ad feodi Firmam in perpetuum; & quod Burgus ille ſit Liber Burgus in perpetuum.* In the Fifth of the ſame King, *Noveritis*
A *ut Villa de* Lenna *ſit* [2] *Liber Burgus in perpetuum.* And in the *Charter* to *Hertlepoole* in the *Biſhoprick* of *Durham* [3] *Sciatis nos conceſſiſſe & hac præſenti Charta noſtra confirmaſſe hominibus de Hertlepoole, quod ſint liberi Burgenſes.* Which *Liberty* granted to the *Burgs* and *Burgeſſes* (for all *Inhabitants* of *Burgs* were not ſuch) was a *Freedom* to *Buy* and *Sell* freely without diſturbance, a *Liberty* from paying *Toll, Pontage, Paſſage-Money, Leſtage, Stallage, &c.* In the *Mercates* and *Fairs* in theſe *Burgs*, and in coming to, and going from them,
B and for theſe things, the *Burgs* were called free *Burgs*, and the *Burgeſſes Free Burgeſſes*, and for nothing elſe, as is moſt evident from the *Charters* themſelves.

[9] Append. n. 8.
[1] Append. n. 2.
[2] Append. n. 9.
[3] Append. n. 10.
What the Freedom of Burgs and Burgeſſes was, and in what it conſiſted.

From the *Burg* and other *Laws* of *Scotland*, the ſame thing is evinced; in the *Burg-Laws*, *Tit. de Vigiliis*, C. 86, by which *every Houſe* was bound to find one to *Watch* and *Knock* at their Doors with a *Staff*. *Exceptis Viduis, quæ tamen ſi Communicaverint cum Vicinis ſuis,*
C *in Emendo & Vendendo, Vigilare debent, & alia onera ſupportare*; except Widows, who notwithſtanding, if they *Bought* and *Sold* as their *Neighbours* did, ought to *Watch* and bear other *Burthens*. Again Cap. 108. *Nullus Burgenſis qui manet extra Burgum poteſt aliquid Emere nec Vendere, nec Liber eſſe in aliquo Burgo niſi in illo Burgo in quo eſt Burgenſis.* And in Chap. 139. *Statuit Rex David, quod omnes Burgenſes ſui ſint liberi per totum Regnum ſuum, tam per aquam quam per Terram, ad Emendum & Vendendum, & ad commodum ſuum*
D *faciendum abſque perturbatione, ſuper plenam ſuam forisfacturam.*

What the Freedom of Burgs and Burgeſſes was, by the Burg-Laws of *Scotland*.

King *David* made a Law, that all his *Burgeſſes* ſhould be free to *Buy* and *Sell* in his whole Kingdom, as well by *Water* as by *Land*, and to make their advantage without diſturbance, upon pain of full forfeiture to ſuch as diſturbed them. In the *Statutes* of King *William* Chap. 35. *Item ſtatuit, quod Mercatores Regni habeant Gildam ſuam Mercatoriam, & ita gaudeant in pace, cum libertate Emendi &*
E *Vendendi, ubique infra limites Libertatum Burgorum, ita quod quilibet ſit contentus ſua Libertate, & nullus occupet Libertatem alterius, &c.* Alſo he decreed, that the *Merchants* of the Kingdom ſhould have their *Merchant-Gild*, and ſo peaceably with the *Liberty* of *Buying* and *Selling* every where within the *Liberties* of their *Burgs*, ſo that every one be *Content* with his *Liberty*, and none ſhould * *Uſurp* the *Liberty* of another, *&c.* By underſtanding wherein their *Liberty* conſiſted, we come to know what Men, the *Burgeſſes* were,
F to wit, *Buyers* and *Sellers*, Ordinary and Common Tradeſmen, (then called Merchants) ſuch as are commonly found in ordinary Inland Burgs, & Mercate Towns, ſuch as frequented Fairs and Markets. So in a Plea [4] between the *Abbat* of *Weſtminſter*, and the *Tradeſmen* that reſorted to his Fair there in 30th of *Edward* the Firſt, they are often called *Mercatores* Merchants; likewiſe in the 34th of the ſame King in the *Parlement* holden at [5] *Weſtminſter* on the

* That is, uſe his Trade.

[4] *Riley's Placita Parlementar.* f. 292, 293, 294, 295.
[5] *Inter Communia de Termino Trinitat. Ann. R. R. Ed.* 1. 34. *cum Remem. Theſ. in Scaccario.*

morrow after Trinity Sunday, the *Citiſens*, *Burgeſſes*, and others of the Kings *Demeaſn* Subjects, granted unto him the 20th part of their Goods, *&c. Mat. Weſtminſter*, ſpeaking of this very Gift, ſays, [6] *Mercatores Viceſimum Denarium conceſſerunt*, and in all Old Authors, Engliſh and French, *Ordinary Tradeſmen* are termed *Merchants*. In the Agreement between *Richard* the Firſt King of *England*, and *Philip* King of *France* at *Meſſina*. *Statutum eſt a prædictis Regibus, quod Mercator, de quacunque Mercatione ſit Mercator, non poteſt emere in exercitu panem ad Vendendum, ne farinam, niſi aliquis Alienigena illam adduxerit, & de illa panem fecerit, nec Bladum niſi de illo ſimiliter panem fecerit.* Hoved. f. 384. b. n. 30. Here *Bakers* and *Sutlers* were accounted *Merchants*. *Alii Mercatores, de quacunque Mercatione fuerint, in Decem Denarios tenentur Lucrari unum*, Ibid. Here other ordinary Tradeſmen, that brought Goods into the Army to ſell, were termed Merchants. *Aldermannus Gildæ Mercatorum Oxoniæ, Judex Gildæ Oxonienſis. Qui Mercatorum lites dijudicabat. Monaſt. Angl. Tom.* 2. f. 141. Here the ordinary Tradeſmen of *Oxford*, were called Merchants, and that they were ſo Denominated, the very words, *Gilda Mercatoria*, do ſufficiently prove it, as it was granted to moſt ordinary Inland *Burgs*.

[6] f. 433. lin. 6.

A

B

For the *Gild* or *Community* there did always conſiſt of a Select Number of *Ordinary Tradeſmen*, yet of the moſt *Diſcreet* and *Wealthy* of the *Burg*, and by whom the *Bulk* of the meaner ſort of *Burgeſſes* (or, as they are now called, Freemen) were *Superintended* and *Governed*. In the *Iter* or *Circuit* of the Kings *Chamberlain*, who had the *Superintendency* of all *Burgs* in *Scotland*, and went from *Burg* to *Burg*, and puniſhed all *Faults* and *Crimes* committed there, and alſo the Chief Officers, if negligent in their Duties, in the Third Chapter of the *Iter*, intituled, *Modus Tenendi Iter*, hath this Article; *Item, petantur in Scriptis omnia Nomina Burgenſium infra habitantium, & extra, videlicet, Nomina fratrum Gildæ per ſe, & Nomina aliorum per ſe.* Alſo, that all the Names of the *Burgeſſes* be demanded in Writing, as well of thoſe that dwell within the *Burg* as without; that is to ſay, the *Names* of the *Brethren* of the *Gild* by themſelves, and the Names of *others* by themſelves; from hence it is clear, the *Gilds* or *Communities* of all the *Burgs* in *Scotland* were a *Select Number*, and ſo they were in *France*, *Germany*, and all other places where they had *Burgs*, or *Municipal Towns*, and in *England* the ſame.

C

D

E

[7] Hoved. f. 399. b. n. 20. 30. 40.

In the [7] Year 1191. which was the Second of *Richard* the Firſt, *John Earl* of *Moreton*, the *Archbiſhop* of *Roven*, and all the *Biſhops*, *Earls* and *Barons*, with the *Citiſens* of *London*, met in St *Pauls* Church-yard on the 11th of *October*, depoſed the *Chancellor*, *William Longchamp Biſhop* of *Ely*, the *King* then in the *Holy Land*, and made *Walter*, *Archbiſhop* of *Roven*, *Chancellor* in his ſtead, and the ſame Day the ſaid *Earl* and *Archbiſhop*, and other the Kings *Juſtices*, *Granted* to the *Citiſens* of *London*, to have their *Community*. *Et eodem Die Comes Moretonii, & Archiepiſcopus Rothomagenſis, & alii Regis Juſtitiarii conceſſerunt Civibus Londoniarum habere Communiam ſuam.* And the ſame Year the *Earl* of *Moreton* and the *Archbiſhop*, and almoſt all the *Biſhops*, and *Earls* and *Barons* of the Kingdom, did *Swear* firmly and ſtedfaſtly to *Defend* and *Preſerve* that *Community*, ſo long as it pleaſed the King. *Et eodem Anno Comes Moretonii, & Archi-*

F

A Grant to the Citiſens of *London*, that they ſhould have a Community.

Archiepiscopus Rothomagensis, & fere omnes Episcopi & Comites & Barones Regni juraverunt Communiam illam firmiter, & inconcusse Servaturos; quamdiu Domino Regi placuerit.

This *Community*, which was thus granted to the *Citisens*, was a *Select Number*, for the better management of the *Affairs* of the *City*, for no doubt but the *Citisens* met *promiscuously* in St *Pauls* Church-
A yard, and to avoid *confusion* for the future, it was desired by themselves, and *thought requisite* by *Earl Moreton*, the *Chancellor* and Kings *Justices*, that they should have such an *Establishment*, the better to *assist* them in their *Seditious Practices*, and for the more *advantage* of the *Citisens*; otherwise, why should the *Citisens* desire it, and the *Nobility* be *Importuned* to *Swear* the *Defence* of it? The Citisens that were of this *Constitution* Swear *Fealty* to the King, and also to his Brother
[8] *John Earl* of *Moreton*, against all Men if hè should *Dye* without
B Heirs, and some *Obligation* there was upon them without doubt to *assist* in * War, as well as there was upon the *Communities* in other Nations, if *Earl John*, and the *Bishops* and *Barons* of his Faction, could have had an opportunity to have used them. In *Rigord*, and other Ancient *French* Historians, we read often of the King of *France* calling out his *Communities* to *War*, and *Hoveden* aforesaid tells us
[9] that A. D. 1197. On the *Eve* of St *Michael*, *Philippus Rex Franciæ Magno congregato Exercitu Militum, & Communiarum Suarum, Exiens de* * *Mantua profectus est versus Curceles.* Here it seems
C as if he had as much *Power* to call his * *Communities* out to *War*, as he had to call his *Knights*, and this may be the reason why *London* in the time of *Edward* the Third, and some other *Cities* and *Burghs* in *England* had *Charters* of *Privilege*, and *Grants* from our Antient *Kings*, that they should not be *called* out to *War*, or *forced* to march out of the *Limits* of their own Jurisdiction.

D Whether this *Community* mentioned by *Hoveden* was the first that was granted to *London*, or whether they had One before, and it was *Dissolved* by King *Henry* the Second, for their *constant Rebellion* against his Mother *Maud* the *Empress* and *Himself*, and never restored untill this time, I know not. They had not a *Mayor* untill the First of *Richard* the First, the Year before this, and perhaps might not have a Community untill the Second of his Reign. However it was then, it appears, by the City [1] *Books*, that in the time of *Edward* the
E first, and the succeeding *Kings*, it had *Communia's*, and the first mentioned in these Books consisted of *Two in every Ward*, in all Forty, who were *Elected* by the *Probi homines* of the *Ward*, which *Probi Homines* are *explained* by these Words, *Discretiores, Sapientiores, & Meliores de Warda*; the most *Discreet*, *Knowing*, and *Best* Men of the *Ward*. Such were the *Electors*, and of such was the *Community* to consist, sometimes the Number of the *Communia* (which word is more frequently used in their Books, than *Communitas*) was
F made up of 2, 4, 6, 8. out of every *Ward*, or out of *some Wards more*, others *fewer*, according to the *Quantity* of the *Ward*, and the *Summons*, at least *Direction*, of the *Major*, or of him and the *Sheriffs*.

There is a notable *Writ* or *Record* much to this purpose in the time of King [2] *Henry* the Sixth, concerning the *Election* of the *Mayor* and *Aldermen* of *London*; setting forth, that his *Progenitors Kings* of

[8] Ibid. n. 40.

* *Edward* the Second demanded of the Citisens of *London*, Aid against his Queen, in the 19th of his Reign: when she and other Rebels landed with Foreign Force, upon Deliberation, *Exire Civitate sua se nolle fatebantur ad pugnam, nisi possent (juxta libertatem eis Concessam) ipso eodem Die reverti ante solis occasum*, Walsing. f. 123. n. 40.

[9] f. 444. b. lin. 28.

* Mant. upon the River *Seyn* in the Isle of *France*.

* See *du Fresn* in the word *Hostis*, where it evidently appears, that the Communities of Cities and Burghs in *France*, were to send out their Horse and Foot upon Summons into the Host or Army.

[1] Lib. A. B. C. throughout.

[2] Append. n. 11.

of *England*, had by their *Charters* granted to his *Citiſens* of the *City* aforeſaid *Liberty* to *chooſe* a *Mayor* and *Aldermen* among themſelves, whom they pleaſed, and to preſent them to the *Lord Treaſurer* and *Barons* of the Exchequer, the King not being there, that according to *Cuſtom* they might be *Admitted*. And that though according to *Cuſtom* in former times, they were wont to be choſen by the *Aldermen*, and more *diſcreet* Perſons of the ſaid *City*, ſpecially *ſummoned* and *Warned* for that purpoſe, ('tis not ſaid, how many out of every Ward) yet ſome that had not, nor ought to have, any *Intereſt* in ſuch *Elections*, came, and with their *Noiſe* and *Clamors* diſturbed them. He therefore *Commanded* the *Mayor* and *Sheriffs* to make *Proclamation* and Prohibit all from coming, that had *no right* to be there, and that the *Elections* ſhould be made by the *Aldermen* and *Others*, more *Diſcreet* and *Able Citiſens* of the ſaid *City*, ſpecially *Summoned* for that purpoſe, according to *Cuſtom*, letting them *know*, that if any one was *Choſen* any other way and *preſented* to Him, or the *Treaſurer* or *Barons* of the Exchequer, he ſhould *not* be *Admitted*, and alſo *directing* them to *Arreſt*, and *Commit* to *Priſon*, all ſuch as they ſhould find *doing contrary* to the Proclamation and Inhibition. A B

In the 29th of *Edward* the Firſt, *John Blund* was choſen Mayor [3] *per Commune Conſilium Elye Ruſſel tunc Majoris*, and the *Aldermen* there named; and the Sheriffs, *per aſſenſum Duodecim proborum hominum Singularum Wardarum*, by Aſſent of *Twelve* Good Men of every Ward. In the 31 of the ſame King, alſo in the 32 and 33. *John Lincoln* [4] and *John Blund* the third and fourth time choſen by Twelve *bonos & legales homines de qualibet Warda Summonitos*; *Twelve Good* and *Lawful Men Summoned* out of every Ward. In that 31 Year, *William de Coumb-Martin*, and *John de Burford* were [5] elected *Sherifs* by the *Mayor* and *Aldermen*, *in præſentia* XII *de Singulis Wardis Summonitorum ad Eligendum & recipiendum Vicecomites ſuos*, in the preſence of *Twelve* of every *Ward*, Summoned to chooſe and receive their Sheriffs. C D

[3] Lib. c. fol. 62. b. How the Mayor and Aldermen of *London* were choſen.

[4] Ibid. f. 111, 112, 113.

[5] Lib. c. f. 111. b.

In the Sixth of *Edward* the Second, [6] *William Wellesford* and another were choſen *Sheriffs* by the *Mayor*, *Aldermen*, and *Twelve* Summoned out of every Ward. *Wellesford* Dyes, and *Adam Ludkin* was *Choſen*, *per Sex & amplius de Singulis Wardis Summonitos*, by *Six* and more *Summoned* out of every Ward. E

[6] Lib. d. f. 3. a.

In the Seventh of *Edward* the Second, *Nicholas* [7] *Farendon* was choſen *Mayor* by the *Mayor*, *Aldermen*, *Sheriffs*, *& per Communitatem*, by the *Community* aſſembled. The [8] Sheriffs choſen the ſame Year by the *Mayor*, *Aldermen*, and *per Communitatem Summonitam*, *&c.* by the *Community* Summoned, *&c.*

[7] Ibid. b.

[8] Ibid.

In the Eight of *Edward* the Second, the Mayor and Sheriffs were choſen as before, and [9] *per probiores homines Communitatis de qualibet Warda*, by the better Men of the *Community* of every Ward. F

[9] Ibid. f. 4. a.

In the 20th of *Edward* the Third, it was [1] *Agreed*, That from thenceforth there ſhould come the *Mayor*, *Aldermen*, and alſo out of every *Ward* of the *City* of *London*, *Twelve*, *Eight*, or *Six*, according as the *Ward* ſhall be *great* or *ſmall* of the *Richeſt* and *Wiſeſt* of every

[1] *London* Liberties, *&c.* f. 2. & f. 11.

Ward; and ſuch *Twelve*, *Eight* or *Six*, with the *Mayor* and *Aldermen*, ſhall *intermeddle*, and *chooſe* a *Mayor* and *Sheriffs* for the year following. In all theſe *Elections*, and all others in the Times of *Edw.* 1, 2. 3. *Rich.* 2. *Hen.* 4, 5, and 6. no *mention* is made of the *Common Council*, but there can be no doubt made but that the Common Council-Men in every *Ward* were all ſummoned, and the others that were ſummoned beſides them, were ſent to by the *Mayor*'s *Direction*, and happily, not without the *Advice* of the *Aldermen* and *Sheriffs*; There being not the leaſt notice of their being choſen by the *Ward*.

A

Theſe *Elections* are *recorded* by various Expreſſions, and probably were not made always according to the ſame exact Form, until the Fifteenth of *Edward* the Fourth; when the [2] *Maſters*, *Wardens*, and *Liveries* of the ſeveral Companies were taken in. So that ſince that time, the *Elections* of the *Mayor* and *Sheriffs*, *&c.* are made by the *Mayor*, *Aldermen*, *Common Council*, and Them, according to the *Act* of *Common Council* then made.

[2] Ibid. f. 2.

B

In the year 1650 there was a great Controverſie, Whether the Right of *Electing* Lord *Mayors*, *Sheriffs*, *&c.* reſted in the *Lord Mayor*, *Aldermen*, and the *Freemen* in general by their *Repreſentatives* to be choſen in every Ward: Or in the *Mayor*, *Aldermen*, *Common Council*, *Maſters*, *Wardens*, and *Liveries* of the ſeveral Companies; managed by Judge *Hales*, and Mr. *Serjeant Maynard* of Council for the *Livery-Men*, and *Major John Wildman*, and one Mr. *Price* *Agents* and *Speakers* for the *Freemen*, before the *Lord Mayor*, *Court* of *Aldermen*, and *Common Council*. Now in which ſoever the Right of Election remained, the *Arguments* on both ſides, and the *Records* then produced, and inſiſted upon by *them*, do manifeſtly *prove*, That the *Community* of the *City*, or as 'tis called the *Commonalty*, did conſiſt of a *Select Number* of the more *diſcreet*, *able*, *wiſe*, and *rich* Citizens, and was not the *Body* of *Freemen* in General: And that ſuch a *Select Number* in *Cities* and *Burgs* was moſt frequently *expreſſed*, *meant* and *underſtood*, by the Latin Words, *Communa*, *Communia*, or *Communitas*. And is, or ought to be ſo, at this Day.

C

The Community of the City of *London* a Select Number.

D

See the [3] Title of the Common Council holden in the Chamber of the *Guildhal* of the City of *London*, before the *Mayor*, *Aldermen*, *Sheriffs*, and the *greater part* of the *Commoners* in *Common Council* aſſembled. All theſe together being a *Select Number* in *Common Council* aſſembled, are the *Commonalty* or *Community* of the *City* of *London*, according to the Ancient *Import*, and true *Signification* of thoſe *Latin* Words in all Nations.

[3] See Petition, *&c.* *Jan.* 13. 1680. in Print.

Of what Perſons the Community of *London* conſiſts.

E

In the [4] *Eſtabliſhment* or *Charter* of *Roven*, and *Falaiſe* in *Normandy*, the *Government* of the *City* and *Town* was by a *Mayor*, *Twenty Four Jurats*, (ſo called, becauſe ſworn, *&c.* when they were choſen and admitted) and an *Hundred Pares* or *Peers*. The *Twenty Four Jurats* were annually *choſen*, out of the 100 *Peers*, by the 100 *Peers*; whereof *Twelve* were *Eſchevins*, that is, *Aldermen*, and the other *Twelve*, *Conſultores*, *Counſellors*, and *all* theſe together were *called* the *Communia*, or *Community* of that *City*, and *Town* with the *Caſtle*.

[4] *Scriptor*, *Norman. Veteres*, by *Du Cheſn.* f. 1036.

What the Community of *Roven* in *Normandy* was.

F

Yet

Yet further to make it clear beyond all Exception, what the Community or Commonalty of a Burgh or City was, I will add a Clauſe in a Private Act of Parlement, made for the Eſtabliſhment of certain Rents, and other Matters between the Burgh of *Plimouth*, and the Prior and Convent of *Plimpton*, in the Time of King *Edw.* the Fourth, in theſe Engliſh words, as 'tis to be found upon the Parlement Roll, 4 *Edw.* 4. *M.* * 38. 39. *And if the ſayd yerely Rent of xxix l. vis. viii d. be behind in part, or in all, not payd to the ſame Priour of* Plympton, *and Covent, and to their Succeſſours in the ſame Priorye by xv Dayes next after Eny of the ſaid Feſts of Payment, That then it be Lefull unto the ſame Priour and Covent and their Succeſſours, and to their Officers and Miniſters to Diſtreyne in the ſaid Borough, and in Name of Diſtreſſe to take all the Goods and Catalles of the ſaid* Gilde *and* Comonalte, *and of all* other Burgeis *of the ſame* Borough, *and of* all other Perſones reſident *and* Dwelling *in the ſame* Borough, *and Precinct of the ſame, and in every Parcel thereof.* Here we find the Mayor and Commonalty, of *Plymouth* a Select Number, and diſtinct from all other Burgeſſes of that Burgh, and all other Perſons Reſident and Dwelling within the ſame. And what the Mayor and Commonalty of this Burgh were, other than the Mayor, Aldermen, and Common Council, or the Mayor and Chief Burgeſſes, which were the Governing part of the Town, let any one, that can, tell me.

* At the end of the 38 Membrane and beginning of the 39th.

Mayor and Commonalty diſtinct from all other Burgeſſes, &c.

A B C

The Seals of Communities.

[5] De Re Diplomat. f. 148. F. 149. B. C.

These *Communities* had their *Seals*, by which they *Ratified* their *Grants* and *Charters*, and made *Authentic* all their Matters of Moment, almoſt as *Ancient* as their *Being*. The Learned [5] *Mabillon*, after he hath mentioned the *Seals* of the *Communities* of ſome *Towns* and *Burghs*, ſaith, *Idem cenſendum eſt de aliis Communiarum Sigillis, quæ à Seculo duodecimo Originem habuerunt.* We are to think the ſame, of the *Seals* of other *Communities* which began to be in uſe about the *Twelfth* Century: He might have added, and ſome time before.

When they began to be in uſe.

D

From Treating of the *Conſtitution* of *Burghs*, and ſhewing what they, and the *Burgeſſes* anciently were, and of what Value and Eſtimation in the Nation, I ſhall proceed to *ſhew*, what the *Parlement-Burghs* were, and when, and for what *cauſe* at firſt they ſent *Repreſentatives* to *Parlement*.

E

In the *Reigns* of King *John*, and *Henry* the Third, we do not find any *Citiſens* or *Burgeſſes* in *Great Councils* or *Parlements*, unleſs they were in that of the 49th of *Henry* the Third; at which time, the *Citiſens* of *York* and *Lincoln*, and other *Burghs* of *England* were *written* unto, To ſend *two Citiſens*, and *two Burgeſſes* according to the *form* of the *Writ* directed to the *Biſhop* of *Durham*. See my Anſwer to Mr. *Petyt*, f. 137. A. f. 140. B.

F

The main cauſe of the Cities and Burgeſſes being firſt Summoned to Parlement.

The *main* cauſe of their being *firſt Summoned* to *Parlement*, was, to give their *Conſent* to *Taxes* propounded to, or impoſed upon them; before that time in the *Reigns* of thoſe two Kings, they were *Talliated* or paid *Tallage* according to the *Impoſition* upon them, or *Acceptance* of what they *offered* by the *Kings Officers*, or *Juſtices*, as alſo

in

in the time of *Edward* the Firſt, untill after the 34th year of his Reign, as is manifeſtly proved in my Animadverſions upon a Book, called, *Jani facies Nova*, Fol. 178, 179. 130. and further appears in *Ryley's Placita Parlementaria*, in the 33d of this King, Fol. 259. 264, 265. 275, 276. Although ſeveral years before, *Citiſens* and *Burgeſſes* were *Summoned* to *Parlement*, and there gave their *Conſent* to the *Raiſing* and *Paying* of *Taxes*. In the 32d *Year* of his Reign he
A cauſed a * *Tallage*, *without Common Conſent*, to be *Aſſeſſed* by *Commiſſioners* in all his *Cities*, *Burghs* and *Demeaſns*, in every *County* of *England*, either by Heads, *(Capitatim)* or in Common, and gave particular direction that the *Tallage* of *Norwich* ſhould be *Aſſeſſed* at four Hundred Pounds.

* See the Commiſſions, Pat. 22 Ed. 1. *in Cedula.*

Citiſens and Burgeſſes firſt Summoned to Parlement.

The *firſt* time we *find* any *Citiſens* or *Burgeſſes Summoned* to *Parlement*, was, in the 23d *Year* of *Edward* the Firſt, according to the
B *Tenor* of this Writ.

[6] Clauſ. 23. Ed. 1. m. 4. Dorſ. *De Parliamento Tenendo.*

Rex [6] *Vicecomiti Northampton Salutem, quia cum Comitibus, Baronibus, & cæteris Proceribus Regni noſtri ſuper remediis contra pericula quæ eidem Regno his diebus imminent providendis, Colloquium habere Volumus & Tractatum per quod eis mandavimus, quod ſint ad Nos Die Dominica proxima poſt feſtum Sancti Martini in Hyeme proximè futurum apud Weſtmonaſterium ad Tractandum, Ordinandum, &*
C *faciendum qualiter ſit hujuſmodi periculis obviandum, tibi Præcipimus firmiter injungentes, quod de Comitatu prædicto* **Duos Milites**, *&* **de qualibet Civitate** *ejuſdem* **Comitatus Duos Cives**, *&* **de quolibet Burgo, Duos Burgenſes** *de diſcretioribus, & ad laborandum potentioribus ſine Dilatione eligi, & eos ad Nos, ad prædictos Diem & Locum venire facias. Ita quod dicti Milites plenam & ſufficientem poteſtatem pro ſe,* & **Communitate** *Comitatus prædicti, & dicti* **Cives** *&* **Burgenſes** *pro ſe &* **Communitate** *Civitatum & Burgorum præ-*
D *dictorum* **Divitim** *ab ipſis tunc ibidem habeant. Ad* **faciendum** *tunc quod de* **Communi Conſilio ordinabitur** *in præmiſſis. Ita quod pro defectu hujuſmodi poteſtatis negotium prædictum infectum non remaneat, quoquo modo; Et habeas ibi nomina Militum, Civium & Burgenſium & hoc Breve. Teſte Rege apud Cantuariam tertio Die Octobris.*

The King to the Sheriff of *Northampton-ſhire*, Greeting. Becauſe we deſire to have a *Conference* and *Treaty* with the *Earls*, *Barons*,
E and *other Great Men* of our Kingdom, to provide *Remedies* againſt the *Dangers* the ſame Kingdom is in at this time, therefore we have *Commanded* them, that they be with us at *Weſtminſter* on the *next Sunday* after the Feaſt of St *Martin* in Winter next coming, to *Treat*, *Ordain* and *Do*, ſo as thoſe Dangers may be prevented. We *Command* and *Firmly enjoyn* thee, that without delay thou doſt cauſe to be *Choſen*, and to *come* to us, at the *time* and *place* aforeſaid, *two Knights* of the *County* aforeſaid, and of *every City*, *two Citiſens*, and of *every*
F *Burgh*, *two Burgeſſes*, of the moſt *diſcreet* and *fit* for buſineſs. So as the ſaid Knights may have *ſufficient Power* for *themſelves*, and the *Community* of the *County* aforeſaid, and the ſaid *Citiſens* and *Burgeſſes*, may have the *ſame* power, ſeparately from them, for *themſelves*, and the **Communities** of *Cities* and *Burghs*, then to **Do** in the Premiſſes what **ſhall** be **ordained** by *Common*, or the *Common Council*. So that for defect of ſuch Power the buſineſs aforeſaid may not remain

undone; And have there the Names of the Knights, Citiſens, and Burgeſſes, and this Writ. Witneſs the King at *Canturbury* the third of *October*.

The Parlement Prorogued before it met. [7] Clauſ. 23. Ed. 1. n. 2. Dorſ. *De Parliamento Prorogando.*

This *Parlement* did not *meet* on the *Sunday* after St *Martin*, but was Prorogued before meeting, to the *Sunday* next before St *Andrew* the Apoſtle, which is the 30th of *November*. *Teſt.* [7] *Rege apud Odmer 2 Die Novembris.* And *all* the *Treating*, *Ordaining* and *Doing* in this *Parlement* was only to *Grant*, and *Conſent* to *Raiſe* ſuch *Supplies* as the King *Demanded*, as will afterward appear. A

The not *finding* any *Citiſens* or *Burgeſſes*, **Summoned** by former *Writs* directed to Sheriffs, nor *particular* Writs directed to the *Mayors*, *Bayliffs*, or *Chief Officers* of *Cities* and *Burghs*, before this, (except that in the 49th of *Henry* the Third) might be a ſufficient proof, that theſe were the *firſt Summons* of *Citiſens* or *Burgeſſes* to *Parlement*. But to *clear* this *point*, *beyond* all *doubt* and *cavil*, we muſt look back to the 18th of this King, and ſee what the *Style* of *Parlements* was, between that time, and this. B

[8] Bundle of Summons to Parlement, 18 Ed. 1.

In this [8] Year, there is a *Bundle* of *Writs* directed to the *Sheriffs* of ſeveral, or moſt, of the Counties of *England*, and they are the Ancienteſt extant, or perhaps that ever were, (except as above) by which *two* or *three Knights* were directed to be *choſen* for each County; but no *Citiſens* or *Burgeſſes*. And accordingly [9] *Norfolk*, *Suffolk*, *Cambridge* and *Huntingdon-Shires*, and *Cumberland* returned each of them **three** *Knights* with *Manucaptors* for their appearance, all other Counties but two each, *&c.* C

[9] Retorn. Parl. 18. E. 1. Three Knights returned for ſome Counties, 18. Ed. 1. and two for others

This *Parlement gave* the King a *Fifteenth* part of all their *Moveable Goods*, as appears by the [1] account upon the *Great Roll* in the 23d year of this King, in the *two laſt Rolls* of that *Great Roll*. The Title of Account, wherein alſo we have the *Style* of that *Parliment*, which runs thus. D

[1] *In officio Pipæ apud Weſtmonaſt.* The Account Roll hereafter mentioned.

Compotus Quintæ-Decimæ Regi Anno Decimo Octavo per **Archiepiſcopos, Epiſcopos, Abbates, Priores, Comites, Barones, & omnes alios de Regno**, *de omnibus bonis ſuis mobilibus conceſſæ, & per* Diverſos Collectores, *in Diverſis Comitatibus*, Eodem Anno Decimo Octavo Aſſeſſæ, Collectæ, & Levatæ. E

The *Account* of the *Fifteenth*, Granted to the King in his *Eighteenth Year*, by the *Archbiſhops*, *Biſhops*, *Abbats*, *Priors*, *Earls*, *Barons*, and *all others of the Kingdom*, Aſſeſſed, Collected, and Levied by *Divers Collectors* in ſeveral *Counties*, in the ſame Eighteenth Year. This is *the very ſame Style* which was uſed in the *Reigns* of *King John* and *Henry* the *Third*, before the *Commons* or *Community* of *Counties* were *Repreſented* by *Knights*, *choſen* by them. And 'tis here *further* to be *noted*, that the *two* or *three Knights*, *choſen* for the *Community* of the *County* did *Repreſent* them, and *according to the *form* of the *Writ*, *Conſulted* and *Conſented* to a *Fifteenth* for them, which are here called the *Omnes alii de Regno*, and were *Military Tenents in Capite* of the *Ordinary Rank*, but of the *ſame Order* with the *Knights*. F

* *Ad conſulendum & conſentiendum pro ſe & Communitate illa His quæ Comites, Barones, & Proceres prædicti tunc duxerint concordanda.*

In

In the *Chequer* [2]. *Roll* of the 19th of *Edward* the First. There is the *Form* of a Writ, to appoint *Taxors* and *Collectors* of this *Fifteenth*, in these Words. *Edwardus Dei Gratia, &c.* **Militibus, liberis hominibus,** *&* *toti* **Communitati Comitatuum,** *&c. Salutem. Cum* **Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones & omnes alii de Regno nostro,** *nunc sicut alias nobis &* A *progenitoribus nostris liberaliter* **concesserunt Quintam-Decimam** *de omnibus bonis suis Mobilibus, &c. Teste meipso apud Kings-Clipton* 22 *Die Septembris Anno Regni nostri decimo octavo. Edward* by the Grace of God, *&c.* To the *Knights,* * *Freemen,* and the *whole Community* of *Counties,* (none named) *&c.* Greeting, Whereas the *Archbishops, Bishops, Abbats, Priors, Earls, Barons,* and *all others of our Kingdom,* now as at other times, to us and our Progenitors have freely *Granted* a *Fifteenth* part of all their Moveable Goods, *&c.* Wit- B ness our-self at *Kings-Clipton* the 22d of *September* in the Eighteenth Year of our Reign. Here we find the *same persons only Granted* this *Fifteenth*, which were *wont* to *Grant* the same *manner* of *Taxes* in the *times* of his Progenitors, which illustrates what was said before.

[2] In the Custody of the Kings Remembrancer. *Inter Communia de Termino*, St. Mich. Rot. or n. 5.

* See my Glossary what these Freemen were.

The *Cities* and *Burghs*, or at least the *City* of *London*, this Year also had a *Fifteenth Taxed*, and *Levied* upon them, which notwithstanding it was *demanded* by the King, *without* their being *Summoned* C to Parlement, by *Citizens* and *Burgesses* their *Representatives*, yet their *compliance* with the *Kings demands*, was called a *Grant*.

Citizens and Burgesses compliance with the Kings demands, called a Grant.

Georgius de Rokesly, Walterus de Rokesly Executor Testamenti ejusdem Georgii pro eo, [3] *Henricus de Waleys, Robertus de Basings, Willielmus de Hereford, & idem Robertus de Basings Executor Testamenti ejusdem Willielmi pro eo, una cum Magistro Willielmo de Wimondham Clerico,* **Assessores & Collectores Quintæ-Decimæ** *in* **Ci-** D **vitate London**, *& infra totum præcinctum ejusdem Civitatis Regi* **concessæ**. *Anno Regni sui decimo octavo reddunt compotum de* 2860 l. 13 s. 8 d. *de eadem* **Quinta-Decima** *sicut continetur in Rotulo de* particulis, *quem iidem Assessores & Collectores liberaverunt in Thesaurario, &c.* That is,

[3] In the same Account-Roll of the same great Roll, as above.

George de Rokesly, Walter de Rokesly Executor of the Testament of the same *George* for him, *Henry de Waley's, Robert de Basings, Wil-* E *liam de Hereford,* and the same *Robert de Basings* Executor of the Testament of the same *William* for him; together with Mr. *William de Wimondham* Clerc, *Assessors,* and *Collectors* of the *Fifteenth* * *Granted* to the *King* in the *City* of *London,* and within the whole Precinct of the same City in the *Eighteenth* year of his Reign, do give account of * 2860 *l.* 13 *s.* 8 *d.* of the same *Fifteenth* as it is contained in a *Roll* of *Particulars* delivered into the *Treasury, &c.*

* By the City upon the Kings demand, and sending to them.

* This was the Sum of the whole Fifteenth in *London*, 18 Ed. 1. A. D. 1290.

F Many *Compounded*, or (as the Phrase was then) *fined* for this *Fifteenth*, as for Example. [4] *Abbas de Sancto Edmundo reddit Compotum de* 666 l. 13 s. 4 d. *De fine pro* **habenda acquietancia** *Quinta-Decimæ omnium Bonorum Suorum Temporalium & Bonorum Conventus sui & Villanorum suorum, & hominum totius Villæ Sancti Edmundi,* **Salua Regis Quinta-Decima Bonorum omnium aliorum libere Tenentium ipsius Abbatis & Conventus prædictorum,** *sicut con-*

[4] Ibid. Many admitted to a Composition for their Taxes.

tinetur in Rotulo de finibus Diversorum *pro Quinta-Decima in Thesaurario liberavit per quatuor Talleas & Quietus est.* That is,

*St. Edmunds-Bury.

The *Abbat* of St * *Edmund* makes his Account of 666 *l.* 13 *s.* 4 *d.* for a Fine (or Composition) to *have his Discharge* of the *Fifteenth of all his Temporal Goods, and the Goods of his Convent*, and *his Villans*, and *the Men of the whole Town of* St Edmund, saving the Kings Fifteenth of the Goods of all other free Tenents of the Abbat, and Convent *aforesaid*, as 'tis contained in the *Fine-Roll* of divers persons for this *Fifteenth*; he paid this Sum in Money by *four Tallies*, and is discharged. A

It will not be Foreign to this matter, to take notice of the Collectors Accounts in an Instance or two, nor unpleasant to the Reader.

Cambr. Ibid.

Compotus Henrici de Lascy, & Willielmi de Mortuo Mari Collectorum Quintæ-Decimæ Regi Concessæ, Anno Decimo Octavo in Comitatu Cantabridgiæ. B

Iidem reddunt Compotum de 3482 l. 16 s. 2. qr. *De Quinta-Decima Bonorum Mobilium Episcoporum, Comitum, Baronum, & omnium aliorum in Comitatu prædicto, sicut continetur in Rotulo de particulis quem liberaverunt in Thesaurario. Exceptis Bonis mobilibus Prioris & Fratrum Sancti Johannis Jerusalem & Villanorum suorum, &c.* C

The Account of *Henry de Lascy*, and *William de Mortemer*, *Collectors* of the *Fifteenth*, in the County of *Cambridge*, *Granted* to the King in the 18th Year of his Reign.

The Sum of a Fifteenth in *Cambridge-Shire*, 18 Ed. 1. A. D. 1290.

The same make their Account of 3482 *l.* 16 *s.* 2 *d.* farthing, of the *Fifteenth* of the *moveable Goods* of the *Bishops*, *Earls*, *Barons*, and *all others* in the said County, as it is *contained* in a *Roll* of *particulars* which they *delivered* into the *Treasury*. *Except* the *moveable Goods* of the Prior and Brethren of Saint John of Jerusalem, and many others who had *fined*, or *compounded* for them, as above, *&c.* D

Norff. Ibib. in Dorso.

Compotus Johannis de Breton & Willielmi de Kerdeston Collectorum Quintæ-Decimæ Regi Concessæ Anno Decimo Octavo in Comitatu Norff. E

The Account of *John Breton* and *William de Kerdeston*, Collectors of the Fifteenth in the County of *Norff.* Granted to the King in the Eighteenth Year of his Reign.

The Sum of a Fifteenth in *Norff.* 18 Ed. 1. A. D. 1290.

Iidem reddunt compotum de 9782 l. 14 s. 6 d. *de Quinta-Decima Bonorum mobilium, &c.* The same *Collectors* give in their *Account* of 9782 *l.* 14 *s.* 4 *d.* of the moveable Goods, *&c.* as in *Cambridge-Shire*. *Exceptis*, the *Goods* of such as had *Compounded* and were *Discharged*, *&c.* F

[5] Cl. 22. E. 1. m. 6. Dorf. *De Militibus eligendis & mittendis ad consilium.*

In the Twenty Second Year of this King there issued this *Summons* or *Writ*.

Rex [5] *Vicecomiti Northumbr. Salutem, Quia cum Comitibus, Baronibus, & Cæteris Magnatibus de Regno nostro super quibusdam Negotiis*

Negotiis arduis, nos & idem Regnum noſtrum Contingentibus, in Craſtino Sancti Martini proxime futuro apud Weſtmonaſterium **Colloquium** *habere Volumus &* **Tractatum**, *tibi præcipimus, quod eligi facias* Duos *Milites, de* Diſcretioribus *& ad Laborandum potentioribus de Comitatu prædicto & eos ad nos uſque Weſtmonaſterium venire facias: Ita quod ſint ibi in Craſtino prædicto, cum plena poteſtate pro ſe & tota Communitate Comitatus prædicti, ad Conſulendum & Conſentiendum* A *pro ſe & Communitate illa, his quæ Comites, Barones & Proceres prædicti concorditer Ordinaverint in Præmiſſis: Et Ita quod pro defectu poteſtatis hujuſmodi idem negotium infectum non remaneat, & habeas ibi hoc Breve. Teſte Rege apud Weſtmonaſterium* 8 *Die Octobris.*

Conſimiles Literæ Diriguntur Singulis Vicecomitibus Angliæ, T. ut ſupra.

B The King to the *Sheriff* of *Northumberland*, Greeting. Becauſe we deſire to *Confer* and *Treat* with the *Earls*, *Barons*, and the other *Great Men* of our Kingdom, upon certain difficult Buſineſs, that concerns Us, and the ſame our Kingdom, at *Weſtminſter*, on the *Morrow* of St *Martin*, or 12th of *November*, we Command *thee*, That thou doſt *cauſe* to be *choſen* out of the *County* aforeſaid, and to come to Us to *Weſtminſter*, two *diſcreet Knights*, and moſt fit for Buſineſs, ſo as they be there on the Morrow aforeſaid, with full C *Power* for themſelves and the whole *Community* of the County aforeſaid, to *Conſult* and *Conſent* for themſelves, and that whole *Community*, to thoſe things, the *Earls*, *Barons* and *Great* or *Noble Men* aforeſaid, ſhall have *Unanimouſly Ordained* in the Premiſſes. And ſo that for the defect of ſuch Power, the ſame Buſineſs may not remain undone; Have there this Writ. Witneſs the King at *Weſtminſter* the Eight Day of *October*.

In the 22d of *Edward* the Firſt, no Citiſens or Burgeſſes Summoned to Parlement.

D The like Letters or Writs were *directed* to *every Sheriff* in *England*. Witneſs, as above.

On the [6] *next day following*, (that is,) on the Ninth of *October*. The King *directed* other Writs (reciting in them much of this above) to *every Sheriff* to *cauſe* to be *Elected* two *Knights* more, to be added to the former, to come to him at the ſame time and place. *Ad audiendum, & faciendum, quod eis tunc ibidem plenius injungemus.* To E hear and do, what he ſhould there more fully enjoyn them. *Teſte Rege apud Weſtmonaſterium nono Die Octobris.* Here was no *Citiſens* or *Burgeſſes* Summoned by theſe *Writs*, and none but *Knights*, in Number Four, who with the *Earls*, *Barons* and *Great Men*, on the *very Day* of their Meeting, gave the King a *Tenth* of all their Goods, and the *Writs* or *Commiſſions*, whereby *Taxors* and *Collectors* of the ſame *Tenth* were aſſigned in every County, were dated the ſame Day, as is moſt evident from the *Records* following.

[6] Ibidem.

The ſame day the Parlement met, they Grant the King a Tenth.

F *Decima* [7] *Bonorum Temporalium, Regi Conceſſa in Anglia in Craſtino Sancti Martini, Anno Regni Regis Edw.* 1. *Viceſimo Secundo finiente, incipiente Viceſimo Tertio.*

[7] Rot. 23. E. 1. n. 72. in that Roll, *penes remem. Regis.*

A Tenth of *Temporal Goods*, Granted to the King in *England*, on the *Morrow of* St *Martin*, ending the Twenty Second Year of King

King *Edward* the Firſt, beginning the Twenty Third, he begun his Reign *November* the Sixteenth, 1272.

[8] Ibid.

Taxatores & Collectores ejuſdem Decimæ [8] *aſſignantur in Singulis Comitatibus Angliæ in hac forma.*

The *Taxors* and *Collectors* of the ſame *Tenth* are aſſigned in every County in this *Form.*

A

[9] Ibid. & Pat. 22 Ed. 1. m. 2. *in Cedula.*

Rex [9] *Militibus, Libere Tenentibus & toti Communitati Comitatus Cumbriæ, Salutem, cum* **Comites, Barones, Milites, & omnes alii de Regno noſtro** *in Subſidium Guerræ nobis nunc ſicut alias Progenitoribus noſtris Regibus Angliæ liberaliter fecerunt* **Decimam** *de omnibus Bonis ſuis Mobilibus, Exceptis* * *quæ in Quinta-Decima ultimo nobis Conceſſa in eodem Regno Excipiebantur nobis curialiter conceſſerint & gratanter. Nos ut Decima illa ad minus Dampnum & Gravamen Populi, &c. Aſſignavimus Dilectos & Fideles noſtros Thomam de Newton & Robertum de Whiterigge vel alterum ipſorum una cum quodam Clerico ad Dictam Decimam aſſidendam, Taxandam, Levandandam, & Colligendam, & ad Scaccarium noſtrum Deferendam, & Solvendam: Unam medietatem citra feſtum Purificationis proxime futuræ, & alteram citra Feſtum Penteceſtes, &c. Teſte Rege apud Weſtminſter 12 Die Novembr. Anno Regni ſui 22.*

B

C

* *i. e.* their Armor, Plate of ordinary uſe, Jewels and wearing Apparel.

The King to the *Knights, Free-Tenents,* and the *whole Community* of the *County* of *Cumberland,* Greeting. Whereas the *Earls, Barons, Knights,* and *all others of our Kingdom,* have liberally done to us now toward the War, as heretofore to our Progenitors *Kings* of *England.* And have *Courteouſly* and *Willingly* or *Gratefully* Granted a *Tenth* of all their Moveable Goods, except thoſe things which were *excepted,* in the laſt *Fifteenth* which was Granted unto us. We, that the *Tenth* may be paid with the leaſt *Damage* and *Grievance* to the People, have aſſigned our Faithful and well-beloved *Thomas* de *Newton,* and *Robert* de *Whiterigge* or one of them, together with a certain *Clerc,* to *Aſſeſs, Tax, Levy* and *Collect* the ſaid *Tenth,* and to bring it to, and pay it at our *Exchequer,* one Half before the *Feaſt* of the *Purification,* and the other Half before the *Feaſt* of *Penteceſt.* Witneſs the King at *Weſtminſter,* the 12th of *November* in the Twenty Second of this Reign.

D

E

[1] Mat. Weſt. *Anno Dom.* 1294. fol. 421. n. 20.

In this very Twenty Second Year of King *Edward* the Firſt, *Philip* King of *France* having then ſurprized and ſeized *Gaſcony,* after the Feaſt of *Penteceſt* a [1] *Parlement* was aſſembled, to *adviſe* how to *regain* that Country, in which it was agreed to *Recover* it by *Force* and *Arms.* Toward which War the *Clergy* had Granted a *Moiety,* or Half part of the *Value* of their *Benefices,* and *Goods* for that Year, as may appear by the *Kings Writ* or *Commiſſion* to the *Abbat* of *Feverſham* in *Kent,* by which he was appointed *Collector* for the ſame in the Province of *Canturbury.*

F

[2] *Inter Recorda de Termino Trinitat.* 22 Ed. 1. Rot. vel. n. 68. *De Subſidio Regi a Clero Conceſſo.*

Aſſignatio Collector. Medietatis, Regi a Clero Conceſſæ.

Edwardus Dei Gratia, &c. Dilecto ſibi in Chriſto [2] *Abbati de Feverſham, Salutem. Cum Prælati & Totus Clerus de Regno noſtro*

* *Medie-*

* *Medietatem Beneficiorum & Bonorum Suorum nobis in Subſidium noſtrum de Anno præſenti Liberaliter Conceſſerunt, & gratanter. Ita quod prima Tertia pars ejuſdem medietatis in feſto omnium Sanctorum proxime futuro, Secunda in Quindena Paſchæ, Tertia in Quindena Nativitat. Sancti Johanis Baptiſtæ proxime futur. nobis perſolvantur, &c. Nos de veſtra Fidelitate & Diligentia confidentes, aſſignavimus vos, ad Dictam Medietatem, &c. In Dioceſi Cantuarienſi Colligendam, &c. Teſte meipſo apud Weſtmonaſterium* 30 *Septemb. Anno Regni noſtri* 22.

* This Grant was made on the Eve of St. *Matthew, Septemb.* 21. *Coadunatis Clero & Populo. Mat. Weſtminſt.* f. 422. n. 30. 40.

A

Here we have a *Moyety* given this Year of their *Benefices*, and Goods by the *Clergy*, and a *Tenth* by the *Earls*, *Barons* and *Knights*, for *all others* of the *Kingdom*; That is, all *Free-Tenents*, ſuch as held in *Military Service*, and others in *Soccage*, **which then were very few.** Let us now ſee, how and what the *Cities*, *Burghs*, and Kings

B *Tenents* of his *Demeaſns* gave, or paid by themſelves, not *being* then *reckoned*, **inter omnes alios de Regno,** which granted a *Tenthpart* only.

These then were neither *Summoned*, or *came* to a *Common Council*, or *Parlement*, but were *required* and ~~*induced*~~ by the *Kings Commiſſioners*, or *Taxers* to *pay* a *certain Sum charged* upon or demanded of them. Which at this time was a *Sixth part* of all their *Moveable Goods*, towards the War. The *City* of *London* was firſt ſent to, and

C that made an *Example* to all other *Cities*, *Burghs* and *Towns* of the Kings *Demeaſns*, and their *Compliance* with the Kings *Demands* paſſed *as*, and under the ~~*Name*~~ of a *Grant*.

Citiſens and Burgeſſes, when not Summoned to Parlement. How they were Taxed.

Rex Dilectis & Fidelibus ſuis [3] *Cuſtodi, Vicecomitibus Aldermannis & Toti Communitati Civitatis ſuæ London, Salutem. Cum vos in forma qua Nuper Nobis Quintam-Decimam Conceſſeratis,* **Sextam partem** *Bonorum & Mobilium Veſtrorum in Subſidium Guerræ noſtræ*

D *nobis Conceſſeritis liberaliter & libenter; nos ut illa* **Sexta pars** *ad minus Dampnum & Gravamen Veſtri & Singulorum Civitatis ejuſdem Levetur & Colligatur providere Volentes, aſſignavimus, Johanem de Banquelle, Thomam de Romeyn, Hamonem Box, Willielmum de Betonia, & Gilbertum de Marchia una cum Dilecto Clerico noſtro Magiſtro Willielmo de Wymundham, &c.* And after the *Example* of *London* the *King* ſent his *Commiſſioners* to *Tax* or *Demand* of his other *Demeaſn Cities*, and *Towns*, a Sixth part through *England*.

[3] *Inter Recordat de Anno* 23 Ed. 1. n. *vel Rot.* 73 *penes Remem. Regis. De Sexta parte Regi Conceſſa in London.*

E

Rex Dilecto & Fideli ſuo Roberto de Ratford, Salutem, [4] *Cum Cives & probi homines noſtri London, Sextam partem Bonorum ſuorum Mobilium nobis in Subſidium Guerræ noſtræ Gratanter Conceſſerint, ut aliis qui ſunt de noſtris* **Villis Dominicis** *exemplum præbeant ad Conſimile Subſidium faciendum; Aſſignavimus vos ad* **petendam** *hujuſmodi* **Sextam partem** *in* **Singulis Dominicis Civitatibus** *&* **aliis Villis noſtris** *in Comitatibus Kanciæ, Suſſex, Surry, &*

F *Suthamton Secundum Taxationem Decimæ jam nobis in Regno noſtro Conceſſæ, & Ideo vobis Mandamus, quod aſſumptis vobiſcum Vicecomitibus Locorum, ad* **Singulas Dominicas Civitates,** *&* **alias Villas noſtras** *perſonaliter accedatis, &* **homines earundarum Civitatum,** *&* **Villarum** *ad* **Concedendam** *&* **Præſtandam** *nobis* **Prædictam Sextam partem** *juxta Taxationem prædictam, diligenter Ex* **parte noſtra requiratis,** *&* **efficaciter inducatis,** *modis quibus videbitis*

[4] Ibid. *Eodem Anno & numero. De Diverſis aſſignatis ad petendam Conſimilem Sextam in Dominicis Villis Regiis in Diverſis Comitatibus.*

videbitis expedire. Et quod inde feceritis, nobis aut Thesaurario & Baronibus nostris de Scaccario sine Dilatione constare faciatis. In cujus Rei Testimonium has literas nostras fecimus Patentes. Teste * *Venerabili Patre, &c, 21 Die Novembr. Anno* 23. That is:

* *William* Bishop of *Bath* and *Wells* then Lord Treasurer.

London an example to all Cities and Burghs to Grant a Sixth part of their Goods, &c.

The King to his well Beloved and Faithful *Robert de Ratford*; Greeting. Whereas our *Citisens* and *Good Men* of *London*, have *willingly Granted* to us, toward maintaining our War a *Sixth part* of their Moveable Goods, that they might *shew* an *Example* to others of our Demeasn Towns, to make the like *Aid*. We have assigned you to *Demand a like Sixth part* in every of our *Demeasn Cities*, and other *Towns* in the *Counties* of *Kent*, *Sussex*, *Surry* and *Southampton*, according to the *Taxation* of the *Tenth* now Granted to us in our Kingdom; and therefore we *Command* you, that taking with you the *Sheriffs* of Places, ye personally *go* to every of our *Demeasn Cities*, and other *Towns*, and diligently on our behalf *require*, and *effectually induce* the *Men* of the same *Cities* and *Towns*, by such means as you think expedient, to *give* and *Grant to us the said Sixth part* according to the *Taxation* aforesaid, and what you shall do herein, you shall *signifie* to us, or our *Treasurer* and *Barons* of the Exchequer, without delay. In Witness of which thing we have made these our Letters Patents. Witness the Venerable Father, *&c.* The 21st of *November*, the 23d Year. A B

[5] Ibid. *Eodem Anno. Num. five Rot.* 73.

C

Per [5] *Consimiles Literas assignantur infra Scripti ad petendam hujusmodi* Sextam partem *in* Singulis Dominicis Comitatibus, *&* aliis Villis Regis, *in Comitatibus Subscriptis, viz.*

Willielmus de Ormesby in Comitatibus Norff. Suff. Cantabr. & Huntingdon.

Magister Petrus de Lek in Comitatibus Northampton, Leycester, Warwick, Roteland, Lincoln. D

Johannes de Litegremes in Comitatibus Ebor. Northumberland, Cumbria, Westmerland, Lancastria.

Magister Johannes Lovel in Comitatibus Wilts, Somerset, Dorset, Devon. & Cornubia.

E

Johannes de Bosco in Comitatibus Nottingham, Derby, Salop. Stafford, Wigorn.

Radulfus de Broghton in Comitatibus Oxon, Berks, Bedf. Bucks. Glouceſter, Hereford. T. ut supra.

No Citisens and Burgesses Summoned to Parlement before the 23 of *Edward* the first.

By all these *Records* 'tis most clear, there were no *Citisens*, *Burgesses* or *Tenents* of the *Kings Demeasns*, *Summoned* to great *Councils* or *Parlements* untill the 23d of *Edward* the First, and also how they were *Taxed* before that time. F

The first *Writ* of their *Summons*, and the *Prorogation* of that *Parlement* from the Sunday next after St *Martin*, (which was the first Day appointed for meeting,) to the *Sunday* next before St *Andrew* the

the *Apoſtle*, we have noted before. And I ſhall further obſerve, that the *Writ* directs they ſhould have a *Power* to *Act* ſeparately from the *Knights* of the Counties, and do what by *Common Councils* ſhould be ordained. *Et dicti Cives & Burgenſes Plenam & Sufficientem poteſtatem pro ſe, & Communitate Civitatum, & Burgorum,* **Diviſim** *ab ipſis* (i. e. *Militibus*) *tunc ibidem habeant, ad faciendum tunc quod de Communi Concilio Ordinabitur in præmiſſis*, and accordingly they made a *different Grant*, the *Earls, Barons* and *Knights*, who then ſate, Treated, and Conſulted altogether, about *Granting Taxes*, Gave an *Eleventh* part of all their Moveable Goods; and the *Good Men* of his *Demeaſn Cities* and *Burghs* Granted a *Seventh* part of all their Moveable Goods.

A

And according to the *Addition* made in the *Writ* of Summons, when the *Citiſens* and *Burgeſſes* came firſt to *Parlement*, there was alſo an *alteration* made anſwerable to it, in the *Writ* or *Commiſſion* for *appointing Taxors* and *Collectors*, for the *Levying* and *Collecting* of this *Eleventh* and *Seventh* part, in the ſeveral Counties, which is not to be *found* in theſe *Writs* or *Commiſſions* before this time. The Words of the *Writ* or *Commiſſion* are theſe. [6] *Rex Militibus, Libere Tenentibus, & Toti Communitati Comitatus Roteland, Salutem, Cum Comites, Barones, Milites, & alii de Regno noſtro in Subſidium Guerræ noſtræ nunc ſicut alias, nobis & progenitoribus noſtris Regibus Angliæ liberaliter fecerunt* **Undecimam** *de omnibus Bonis ſuis Mobilibus. Et * Cives, & Burgenſes, &* **alii probi homines** *de* **Dominicis noſtris Civitatibus & Burgis** *ejuſdem Regis* **Septimam** *de omnibus Bonis ſuis Mobilibus, exceptis his quæ in Decima ultimo nobis conceſſa excipiebantur, nobis Curialiter Conceſſerint & Gratanter, nos ut Undecima, & Septima prædictæ, ad minus Dampnum & Gravamen, &c. Aſſignavimus Dilectos & Fideles noſtros Rob. de Flixthorp & Johannem de Wakerley, &c. Ad Dictas Undecimam & Septimam in Comitatu prædicto Aſſidendas, Taxandas, Levandas, & Colligendas, &c. Teſte Rege apud Weſtmonaſterium * Quarto Die Decembris.*

B

C

D

[6] Pat. 24. Ed. 1. p. 1, m. 22. *De undecimâ & ſeptimâ Regi Conceſſ. Levand. & Colligend.*

* Theſe words were not in former Commiſſions, for appointing Taxors and Collectors.

* This Parlement met by Prorogation, about the 30th of *November*.

According to the *Tenor* of the *Writ* of *Summons*, we find by this *Commiſſion*, that the *Citiſens* and *Burgeſſes* were in this *Parlement*, and that they were *different Perſons* from the **Alii de Regno**, mentioned after the *Earls*, *Barons* and *Knights*, for they gave the *Eleventh* part, and theſe the *Seventh*, ſomewhat more than a Third beyond what they gave; And it became a *ſettled Rule* afterward for the *Citiſens*, *Burgeſſes* and *Tenents in antient Demeaſns* to give a *Third part* more, or thereabouts of their *Perſonal Eſtates*, than the *Earls*, *Barons* and *Knights* did Grant.

E

Citiſens and Burgeſſes, different perſons from the *Alii de Regno*, &c.

They gave a 3d part more than the Earls, &c.

The *Summons* to this *Parlement* directed to the *Archbiſhop* of *Canturbury* is very obſervable, and may furniſh us with the *Reaſon* why the King *Summoned* the *Citiſens* and *Burgeſſes* to it.

F

Rex Venerabili in Chriſto [7] *Patri R. Eadem Gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati, Salutem, Sicut Lex juſtiſſima provida circumſpectione Sacrorum Principum ſtabilita hortatur & ſtatuit, ut quod omnes tangit, ab omnibus approbetur, ſic & innuit evidenter ut Communibus periculis per remedia proviſa Communiter obvietur.*

[7] Cl. 23. Ed. 1. m. 3. Dorſ. *De Parliamento Tenendo apud Weſtmonaſterium.*

Sane ſatis noſtis, & jam eſt ut credimus per univerſa mundi Climata Divulgatum, qualiter Rex Franciæ de Terra noſtra Vaſconiæ nos fraudulenter & cauteloſe decepit eam nobis nequiter Detinendo. Nunc vero prædictis fraude & nequitia non contentus, ad Expugnationem Regni noſtri Claſſe maxima, & Bellatorum copioſa multitudine congregatis, cum quibus Regnum noſtrum, & Regni ejuſdem incolas hoſtiliter jam invaſit, Linguam Anglicanam ſi conceptæ iniquitatis propoſito deteſtabili poteſtas correſpondeat (quod Deus avertat) omnino de Terra delere proponit. Quia igitur præviſa jacula minus lædunt, & res veſtra Maxime ſicut Cæterorum Regni ejuſdem concivium agitur in hac parte. Vobis mandamus in Fide & Dilectione quibus nobis tenemini, firmiter injungentes quod Die Dominica proxime poſt feſtum Sancti Martini in hyeme proxime futurum apud Weſtminſter perſonaliter interſitis. Præmunientes Priorem & Capitulum Eccleſiæ veſtræ, Archidiaconum totumque Clerum veſtræ Diocæſeos. Facientes quod iidem Prior & Archidiaconus in propriis perſonis ſuis, & Dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, una vobiſcum interſint modis omnibus. Tunc ibidem ad Tractandum, Ordinandum & Faciendum, nobiſcum, & cum cæteris Prælatis & Proceribus & aliis incolis Regni noſtri, qualiter hujuſmodi periculis & excogitatis malitiis obviandum. Teſte Rege apud Wengeham Triceſimo Die Septembris.

A

B

C

The King to the Venerable Father in Chriſt, R. by the ſame Grace, Archbiſhop of *Canterbury*, *&c.* Greeting, As the moſt juſt Law eſtabliſhed by Princes doth appoint, *That which concerns all ſhould be approved by all.* So it evidently ſhews, that dangers, common to all, ſhould be obviated by Remedies provided by all. You underſtand ſufficiently, and as we believe 'tis now *Divulged* through the whole World, how the *King* of *France fraudulently ſurprized Gaſcony*, and yet detains it from us. But now not *content* with that, he hath provided a great *Navy* and *Army*, with which he hath * *Invaded* our Kingdom, and the Inhabitants thereof, and *intends* to *deſtroy* the *Engliſh Nation* and *Language*, if his Power were anſwerable to his deteſtable purpoſe, (which God avert.) Becauſe therefore, foreſeen attempts do leſs hurt us; and not only you chiefly, but the reſt of the Inhabitants of the Kingdom are alſo concerned in this matter, we *Command*, firmly *enjoyning* you in the *Faith* and *Love* by which you are bound to us, that on the Sunday next after the Feaſt of St *Martin*, next coming, you be at *Weſtminſter*, and that you *warn* the *Prior* and *Chapter* of your Church, the *Arch-Deacon* and *whole Clergy* of your *Dioceſs*, and cauſe the *Prior* and *Arch-Deacon* in their own perſons, and the *Chapter* by *one*, and the *Clergy* by *two*, fit * *Procurators* or *Proxies*, having ſufficient *Power* from the ſaid *Chapter* and *Clergy* to be preſent with you, then and there to *Treat*, *Ordain*, and *appoint with us*, and the reſt of the *Prelates*, *Great Men*, and other *Inhabitants* of the Kingdom, how to *prevent* theſe Dangers, and deſigned Miſchiefs. Witneſs the King at *Wengeham*, the 30th of *September*.

D

E

F

Why the Citizens and Burgeſſes firſt Summoned to Parlement.

* About the 8th of *September* this year, the *French* landed at *Dover*, burnt a great part of the Town, and killed an old Monk. Walſingh. fol. 64. n. 10.

* Theſe are now called *Clercs* of the Convocation.

The firſt Summons of the Common by Clergy to Parlement.

This is the *firſt Summons* I find directed to the *Archbiſhop*, by which he was ordered to cauſe the *Body* of the *Clergy* of his *Dioceſs*, and the *Chapter* to come to Parlement with him, by their *Procurators* or *Repreſentatives*, and the ſame *Reaſon* given in this *Writ*, that brought

brought *them* thither, brought alſo the *Citiſens* and *Burgeſſes*, as may appear by the *Writ* before recited, *directed* to every Sheriff of *England* for the *firſt choice* of them, and *dated* the third Day of *October*, next following after the *date* of this to the Archbiſhop.

A The *Treating*, *Ordaining*, and *Appointing Remedies* to *prevent* the *imminent Dangers* to the Kingdom, was only *to raiſe Money*, to *proſecute* the War, and *defend* the Nation againſt the *King* of *France*; and towards that, the *Clergy* gave a Tenth; the *Earls*, *Barons* and *Knights*, gave an Eleventh; and the *Demeaſn Cities*, *Burghs* and Kings *Tenents of his Demeaſns*, gave a *Seventh* part of all their *Moveable Goods*. There were no Laws made, or other Matters diſpatched in this Parlement, as was hinted before.

B Having thus *Proved*, the *Time* when, and the *Cauſe* why, *Citiſens*, *Burgeſſes*, and the *Tenents* of *the Kings Demeaſns*, were at firſt *Summoned* to *Parlement*, we ſhall proceed to *diſcover* what *Cities* and *Burghs* ſent their *Repreſentatives*, or *Citiſens* and *Burgeſſes*, upon ſuch Summons. The Anſwer to this is very ſhort, that they were only the *Dominici Civitates*, and *Burgi Regis*, the Kings *Demeaſn Cities* and *Burghs*, ſuch as had *Charters* from the King, and paid a *Fee-Farm Rent* in *Lieu* of the *Cuſtoms*, and other *Advantages* and *Royalties* that belonged to the Crown, and were *originally taken* and gathered by the *Kings Collectors* and *Officers*, whether *Bayliffs*, *Port-Reves*, *Seneſcals*, or *Stewards*, or by what other Names they were called. But afterward *Collected* and *Received* by *Officers*, *choſen* by the *Cities* and *Burghs*, according to *Licence*, *Granted* by the Kings *Charter*, to the *uſe* of ſuch *Cities* and *Burghs*, or perhaps, ſometimes by *Permiſſion* only.

What Cities and Burghs ſent Citiſens and Burgeſſes to Parlement.

C Cuſtoms in Cities and Burghs, originally gathered by the Kings Bayliffs, &c.

D This doth abundantly appear by the Account given of great *Yarmouth*, in the [8] *Appendix*, where after the *Deſcription* of *that* and *Gorleſton*, taken out of *Domeſday* Book, it is ſaid thus. *Et Sciendum, quod Progenitores Domini Regis tenuerunt prædictum Burgum in manibus ſuis propriis, percipiendo omnia proficua exeuntia de portu prædicto, uſque ad Tempus Regis Johannis, qui* [9] *conceſſit Villam prædictam Burgenſibus Villæ prædictæ ad feodi firmam, Reddendo ſibi & hæredibus ſuis Quinquaginta & Quinque libras per Annum, ad quod Solvendum, nihil aliud habent niſi conſuetudinem & alia proficua proveni-*

[8] N. 1. A.

E *entia de portu prædicto, nec capiant aliquas conſuetudines de rebus Venditis vel Emptis in Mercato ſuper terram, nullo Tempore Anni.* That is, And it is to be underſtood, that the *Progenitors* of the *Lord* the *King* held the foreſaid *Burgh* (that is, *Yarmouth*) in their *own hands*, untill the *time* of *King John*, who *Granted* it in *Fee-Farm* to the *Burgeſſes*, paying to him and his Heirs *Fifty Five Pounds* by the Year, for the *Payment* whereof, they had nothing but the *Cuſtoms*, and other *Profits* of the *Port*, neither might they at any time of the

F Year take any *Cuſtoms* of things *Bought* and *Sold* in the *Mercate* upon the Land.

[9] Append. N. 2.

Not long after King *John* had Granted his *Charter*, there happened a *Controverſy*, between *Gorleſton* and *South-Yarmouth* in *Lothinglond*, both on the other ſide of the River, and *Great Yarmouth*, [1] about certain *Cuſtoms* and *Privileges* in the 12th of *Henry* the Third,

[1] Append. N. 1. a.

and [2] again, in the 34th of *Edward* the First, which was *determined* in the *Exchequer* by the *Lord Treasurer*, the *Chancellor* of *England*, the *Justices* of both *Benches*, and others of the *King's Counsel*. By which [3] *Record* it is evident, That *Great Yarmouth* was holden of the King in *Fee-farm*, was *styled*, *Villa Regis*, the *King's Town*, and *Liber Burgus*, a *Free Burgh*, and enjoyed such *Liberties* as belonged to a *Free Burgh*, only *by*, and *in respect* of the *Charter*.

[2] Ibid.
[3] Append. N. 1. B. *Yarmouth* holden of the King in Fee-farm.
Why called a Free Burgh.

A

It was, and is the *General Opinion* of * *Lawyers*, That such *Towns* as sent *Burgesses* to *Parlement*, though but very seldom, and paid *Tenths* when they were granted in *Parlement*, were *Burghs*, Notwithstanding they had not, nor perhaps now have any *Charter*, *Fayr*, *Market*, *Franchise*, or other *Liberties* which should *Constitute*, and *make* them *Burghs*. But this is a mighty Mistake: For there *were anciently*, and are yet many *Towns* that sent their *Representatives* to *Parlement*, which were not *Burghs*, but only *Towns* of *Ancient Demeasns*, and these (in the *Granting* of *Taxes* especially) *consulted*, and gave their *consent* with the *Citizens* and *Burgesses*, who in All *Taxes* upon *Goods* and *Personal Estates* did usually *give* and *pay* about *one Third* or *Fourth* more than the other *Towns* which were neither *Cities* or *Burghs*, or *Ancient Demeasns*, before the *Tenths* and *Fifteenths* were *constantly* and *regularly* setled.

* Commons Journal, 1 Maii 1628.
A great mistake, That Towns that paid Tenths, and sent Representatives to Parlement, were Burghs.
Towns in Ancient Demeasns that were no Burghs sent Representatives.

B

This will be fully *Evinced* by the following *Records*. *Edward* the First intending to Knight his Son, [4] *summoned* the *Archbishops*, *Bishops*, *Abbats*, *Priors*, *Earls*, *Barons*, and *other Great Men* to be *before him* and *his Council*, on the *Morrow* after Holy Trinity, to Treat of, and *Grant* an *Aid* which was due upon that occasion. He also sent to all the *Sheriffs* of *England*, to [5] cause to come *before him* and *his Council* on the same day, *two Knights* of every County, and of every City *two Citizens*, and of *every Burgh two* or *one Burgesses*, as the *Burgh* was *greater* or *lesser*, to *Treat*, *Ordain*, and *Consent*, &c.

[4] Cl. 34. Ed. 1. M. 15. Dorf. in Cedula. Append. n. 13.
[5] Append. n. 12. 13.
[6] Append. n. 13.
[7] Ibid.
* Note, The Citizens, Burgesses, and Tenents in Ancient Demeasns, were no part of the Community of the Kingdom, for they gave a 20th part for, and by themselves, and Treated apart.
† The reason of this Clause at this time was, for that the Aid for making the Prince Knight, was to have been laid upon Land; *i. e.* so much upon every Knights Fee; and here it was Taxed upon Goods, whereas it was due upon Knights Fees.

C

D

All which *Orders* of *Men* being [6] Assembled *before* the *King's Council*, and it having been *shewed* unto them by the *same Council*, on behalf of the King, That there was an *Aid due* to him in the foresaid case, (that is, for making his Son *Knight*:) And also, That there were *manifold Expences*, and many other *Burthens* incumbent on the King in *restraining* the *Rebellion* and *Malice* of *Robert de Brus*, his Traytor, and his Adherents in *Scotland*, who had presumed to make War against him.

E

The same [7] *Prelates*, *Earls* and *Barons*, and *other Great Men*, and also the *Knights* of *Shires*, Treating deliberately upon this Matter, and considering there was an *Aid due* as aforesaid, and that many *Burthens* were incumbent upon the King by reason of the War aforesaid, at length unanimously *Granted* to the King for *themselves* and * *whole Community* of the *Kingdom*, a *Thirteth Part* of all their *Temporal Moveable Goods*, which they should be possessed of at the Feast of St. *Michael* next coming, for a Competent Aid toward the Knighthood of his Son, and also for an *Aid* toward his *Expences* which he was to be at in the War aforesaid. But so, as this Grant should not † *prejudice* themselves, nor their *Successors*, and *Heirs* in future Times, nor be made an *Example* in the like case. And that

F

in

in *Taxing* the Goods aforesaid, all things were to be *Excepted*, as in the *Taxation* of the *Fifteenth* granted to the King by the Community of the Kingdom, in the *Eighteenth* Year of his Reign, for the Banishment of the Jews.

Also [8] the *Citisens* and *Burgesses* of *Cities* and *Burghs*, and *others* of the *King's Demeasns Assembling* together, and *Treating* about the Premises, considering the *Burthens* incumbent upon the King, as was before mentioned, unanimously Granted unto him for the Causes abovesaid, a *Twentieth Part* of their Moveable Goods, and to have them as aforesaid. [8] Ibid.

Who, and what the Cœteri, the *Residue*, or *Others* of the *King's Demeasns* were, is plainly discovered in another Record about the same Matter.

It is to be [9] *remembred*, That on the *Morrow* of Holy Trinity last past, the *Prelates*, and the other *Great Men* of the Kingdom, for *themselves* and the whole *Community* of the *Kingdom*, *Granted* to the Lord the King, for *themselves* and the whole *Community* of the same Kingdom, a *Thirtieth Part* of all their Temporal Goods, without *Cities*, *Burghs*, and the *King's Demeasns*. And the *Citizens*, *Burgesses*, and Tenents of the foresaid Demeasns, *Granted* a *Twentieth Part* of their Goods, as well *toward* the *Knighthood* of *Edward* the King's Son, as *toward* the *Defence* of *Scotland* against *Robert Brus*, and his *Complices*, the King's Enemies, and the Form of the foresaid Grant is more fully noted in the *Memorials* of *Trinity-Term* last past. [9] Ibid.

By this Record it is very plain, That the *Prelates*, *Earls*, *Barons*, and *Knights* of *Shires Consulted* together and *Treated* about this 30th Part which they granted for *themselves* and the whole *Community* of the Kingdom; as also that the *Citizens*, *Burgesses*, and *Tenents* of the *Kings Demeasns Treated* and *Consulted* by themselves apart, and Granted a 20th Part of their Goods, which was a Third Part more than the *Lords* and *Knights* gave. And that *Tenents* of the King's *Demeasns* were *Members* of Parlement.

The Prelates, Earls, Barons and Knights Treated together.

The Citizens, Burgesses, and Tenents in Ancient Demeasns consulted together, and apart from them.

The King's *Commission*, and *Assignment* of Commissioners to *Levy*, and *Collect* the 20th, and 15th Granted in the First of *Edward* the *Second*, proves the same thing. *Rex* [1] *Militibus, Liberis Hominibus & Toti Communitati Comitatus Middlesex tam infra Libertates quam extra, Salutem. Cum Comites, Barones, Milites, Liberi Homines, ac* Communitates *Comitatuum Regni nostri, Vicesimam omnium Bonorum suorum Mobilium; Civesque & Burgenses, ac* Communitates *omnium Civitatem & Burgorum ejusdem Regni, necnon* Tenentes *de* Antiquis Dominicis *Coronæ nostræ Quintam-Decimam Bonorum suorum Mobilium Curialiter concesserint & Gratanter, nos, ut Vicesima, &c.* That is, the King to the Knights, Freemen, and whole *Community* of the County of *Middlesex*, as well within Liberties as without, Greeting. Whereas the Earls, Barons, Knights and Freemen, and the Communities of Counties of our Kingdom Courtly, or courteously and gratefully Granted us a 20th Part of their Moveable Goods; and the Citizens, Burgesses and Communities of Cities and Burghs of the same Kingdom, and also the Tenents of the Ancient Demeasn of our Crown a 15th Part of their Moveable Goods, We, that the said 20th Part, *&c.* [1] Pat. 1 E. 2. p. 1. M. 7.

Some

Some time afterward, the Tenents in ancient Demeasns were left out of the Preambles of the Commissions, and not mentioned as Grantors of Taxes, with the Citisens and Burgesses in the 12th of *Edward* the Second, in some Commissions they were retained, in others omitted. *Edwardus Dei Gratia Rex Anglia, &c.* [2] *Fidelibus suis Ballivis &* **Communitatibus** *Civitatum &* Burgorum *in Comitatu Lincoln, Salutem. Cum Cives &* Burgenses Civitatum & Burgorum *Comitatnum Regni nostri in Parlamento nostro apud Eborum a Die Paschæ proximo præterito in unum mensem convocato pro expeditione Guerræ nostræ Scotiæ Duodecimam omnium Bonorum suorum Mobilium nobis Concesserunt, &c. Nos, ut, &c. Teste meipso, apud Eborum* 30 *Die Maii Anno Regni nostri* 12. *Per ipsum Regem.*

A

The *Tenents* of the *Kings ancient Demeasns* were not mentioned as *Grantors* in this Commission.

B

Yet in this following *Commission* about Levying the same Tax, *they* are mentioned as *Grantors* of it, with the *Citisens* and *Burgesses.*

Inter Commissiones & Literas Patentes de Termino Sanctæ Trinitatis Anno 12 *R. Rs. Edwardi Secundi penes Remem. Regis in Scaccario.*

C

Rex omnibus ad quos præsentes literæ pervenerint, Salutem. Cum per Literas nostras Patentes Assignaverimus quosdam Dilectos & Fideles nostros ad Decimam Octavam *nobis per* * **Communitates** *Comitatuum Regni nostri in* Parlamento *nostro apud* Ebor. *a Die Paschæ proxime præterito in unum mensem Convocato. Et* Duodecimam *nobis per* **Cives, Burgenses, & Tenentes** *de* **Dominicis nostris** *in eodem Parlemento concessas, &c.*

D

But afterwards they were frequently *omitted*, and after the *Eighth* of *Edward* the Third, when the *Establishment* of *Taxes* upon Personal Estates became certain, and the *way* and *manner* of *Levying* them was changed, the *Tenents in ancient Demeasns* are no longer *mentioned* in the *Commissions* of the *Taxors* and *Collectors*, as *Grantors* of those *Taxes.*

E

Before this time there were *two chief Taxors* appointed by the King in every County, who *appointed Twelve* in *every Hundred*, to raise every Mans *Personal Estate according* to the *true value*, and then to Levy a *Thirtieth*, or an *Eighteenth* part of it, as it was *Granted* by the **Earls, Barons** and **Knights** of *Shires* in **Parlement.** They also appointed *such* and as *many* as they thought fit in every *City, Burgh* and *Town* of the *Kings Demeasns*, to *inquire* into every Mans *Personal Estate* in those places, and *find* out the *true value* of it, and then to *Levy* a *Twentieth*, or *Twelfth* part of it, as it *had* been *Granted* by the *Citisens, Burgesses* and *Tenents* of the Kings *ancient Demeasns* in *Parlement.* And that they might *Tax* and *Value* every Mans Estate *truly* and *really*, the **Taxors** were *Sworn* not to *do otherwise* for *Love, Hatred, Favor, Gift* or *Promise.* See the [3] *Form* of *Taxing* and *Levying* the 30th and 20th part *Granted* to King *Edward*

F

Tenents in ancient Demeasn sometime omitted in Commissions.

[2] Inter Recorda de Term. Sanct. Trin. Anno 12. Ed. 2. penes Remem. Regis in Scaccario. Commissio ad Levand. & Colligend. 12am.

Oxon. Berks, Bed. Bucks de Levatione 12 & 18 super vidend. & festinand.

* Note the Earls and Barons and Knights of the Shire, granted this 18th, and therefore the Earls and Barons were part of the Community of the County, which was the Tenents *in Capite.*

At what time the Tenents in ancient Demeasns are no longer mentioned as Grantors of Taxes in the Taxors Commissions.

The ancient manner of Levying Taxes.

[3] Inter Recorda de Term. Trinit. 34 Ed. 1. penes Remem. Regis.

the

the First, *made* by *him* and *his Council* in the 34th year of his Reign, as it was delivered to the *Chief Taxors* of every *County* with the Oath. See the like [4] *Form* in the 12th of *Edward* the Second, for *Taxing* and *Levying* an 18th Granted by the *Earls*, *Barons*, *&c.* and a 12th by the *Citizens*, *Burgesses*, and *Tenents* of *Ancient Demeasns*.

[4] Inter Recorda. de Term. Trinit. 12 Ed. 2. penes Remem. Regis.

A In the Eighth of *Edward* the Third, upon [5] *Complaint* of the *Barons*, *Knights*, *Citizens* and *Burgesses* to the King in *Parlement*, That the *Taxors* and *Collectors* for *Bribes spared* some Men, and by *Colour* of their *Office extorted* from others more than they ought to pay, and *applyed* it to their own *use*; with *Request* to him, That they might pay toward the 15th and 10th then Granted, as they had done to the last 10th and 15th. There were sent *Commissioners* into every County in *England*, to *Agree* and *Compound* with the *Inhabitants* of *every Town* that was to *pay* a *Fifteenth*; And also with

B the *Communities* of *Cities* and *Burghs*, and *Men* of the *Towns* of *Ancient Demeasns*, which *paid* a *Tenth*; *Ad* **Tragandum & Concordandum** *cum* **Communitatibus Civitatum & Burgorum**, *ac* **Hominibus** *Villarum*, *&* **Dominicorum** *antiquorum*, *qui hujusmodi* **Decimam & Quintam-Decimam** *solvere tenentur*, for the Sums they were to pay; which *Sum* was *fixed* upon the *particular Towns*, *Cities* and *Burghs* for the future, and Collected, and Rated most commonly by the *Inhabitants* (I suppose) amongst themselves; the chief

C *Collectors* and *Taxors* in every County were *reserved* to be *Taxed* by the *Treasurer* and *Barons* of the *Exchequer* as before.

[5] Pat. 8 E. 3. p. 2. M. 16. The occasion and manner of the first setling of Fifteenths and Tenths.

I could never find the *Roll*, or any *Book* of this *Establishment* of this Eighth year of King *Edward* the Third. But in a [6] *Book* of *Fifteenths* and *Tenths* in the Third year of King *Henry* the Fifth, where the *particular Sums* of every ordinary *Town*, and of every

D *City*, *Burgh*, and * *Town* of *Ancient Demeasns* in all Counties in *England* are noted, there is often *Reference* to the *Particulars* of such a *Roll* in that *Eighth* year. After which time, when *Tenths* and *Fifteenths* were reduced to a certainty, the *Parlement* for the most part **Granted** *Taxes* of those *Denominations*, *half* a *Tenth*, and *Fifteenth*, a *whole Tenth*, and *Fifteenth*, *Two Tenths*, and *Two Fifteenths*, *&c.* according to the *Exigency* of the King's Affairs.

[6] With the Kings Remembrancer in the Exchequer.

* Every Town there that paid a Tenth, and was neither City nor Burgh, was Ancient Demeasn.

E There hath been often mention made of the King's Demeasn *Cities* and *Burghs*, as well as of his Tenents of Ancient Demeasn, in this Treatise. And it will much tend to the understanding of it, and of ancient Records and History where they are mentioned, to know what they were. And if they be duly considered, they are not much unlike one another, having their Names from the same thing, that is, from holding of the King by Fee-farm.

What the Kings Demeasn Cities and Burghs were.

F For those Town and Lands which are found in *Domesday-Books* under the Title of **Terra Regis**, were then and afterwards kept in his Hands, and managed by *Præpositi*, or *Bayliffs*, (as were most of the Towns and Lands of *Bishops*, *Abbats*, *Priors*, *Earls*, *Barons*, and other *Great Men*) and called his, and their Demeasns; which in process of time were let to Farm to Tenents for a considerable part of their true value, an half part, third or fourth at least, and this Rent was called a Fee-Farm-Rent, the Tenents esteeming what these

The Original of Fee-Farms.

* Estates

Eſtates were above the Rent, or in reſpect of the Tenure, to be to them, *ut*, or *tanquam de feodo*, as if they were holden in Fee, paying their Rent, and Tallages.

Of the ſame condition were Cities and Burghs; at firſt they were kept in the Kings Hands, and the Cuſtoms and Profits, that aroſe from Trade, gathered by his Bayliffs and Officers, which afterward were let out in Fee-Farm, to the Communities of Cities and Burghs, A which commonly were made ſuch, by the ſame Charters by which the Cuſtoms in kind, or the true value of them, as then Collected, were changed into Fee-Farm Rents, and the Kings Officers, or others in Lieu of them, were made Officers as well to the Cities and Burghs, as to himſelf. This is clearly apparent from the Narrative of great *Yarmouth*, in the Appendix N. 1. A. N. 1. B. and from the Charter N. 2, as alſo from the Second Charter of *Donewic*, N. 3. B. and from others. And may further be confirmed by the following B Record.

[7] Adventus Vicecom. Anno 5 Ed. 3. finiente, incipiente 6. in Craſtino Sancti Mich. apud Remem. Theſaura. in Scaccario.

Amerciamenta [7] *Hominum & Burgenſium Firmariorum Diverſarum Villatarum* ad Feodi Firmam *de Rege tenentium qui non venerunt* ad Scaccarium *ad faciendum* Proffrum *de firmis ſuis in Craſtino Sancti* Michaelis *Anno Regni Regis Edwardi Tertii poſt Conqueſtum* VI *incipiente*, V *finiente*.

C

Northumberland.	*De hominibus Villæ de* Bamburgh *quia non venerunt ad Scaccarium ad faciendum Proffrum ſuum ad Diem prædictum.*	V *Merc.*
Bedeford.	*De Hominibus Villæ* Bedeford *pro eodem*	V *Merc.*
Eſſex.	*De Hominibus Villæ de* Colcheſtre *pro eodem*	V *Merc.*
Dorſet.	*De Hominibus Villæ de* Brudport *pro eodem*	V *Merc.*

Et Memorandum quod hujuſmodi Firmarii, *& alii* Vicecomites & Ballivi *conſimili modo amerciati ſunt pro non Adventu ſuo ad Proffrum ſuum Tempore Regis Edwardi filii Regis Henrici, ſicut continetur in Memorandis Anni* XVIII *ejuſdem inter Communia de Termino Sancti Michaelis.* D

The Amerciaments of the Men and Burgeſſes, Farmers of divers Towns, holden of the King in Fee-Farm, who came not to the Exchequer or Scaccar, to make the proffer, (i. e. the * beginning of E their Accounts) on the morrow of St *Michael* in the Year of the Reign of King *Edward* the Third, after the Conqueſt beginning the Sixth, ending the Fifth.

* At this time they began their Accounts for that half Year, and paid a ſmall Sum in part of their Rent, which was called their proffer.

Northumberland.	Of the Men of the Town of *Bamburgh*, becauſe they came not to the Scaccar to maketheir proffer at the Day aforeſaid.	*Five Marks.*
Bedford.	Of the Men of the Town of *Bedford* for the ſame.	*Five Marks.* F
Eſſex.	Of the Men of the Town of *Colcheſter* for the ſame.	*Five Marks.*
Dorſet.	Of the Men of the Town of *Brudport* for the ſame.	*Five Marks.*

It

It cannot be denied, that many Towns which are now *Parlement Burghs* were the *ancient Demeasns* of the *Crown*, and that the Lands belonging to them were holden in *Fee-Farm*. But then it muſt be conſidered, that the Towns and Lands ſo *holden*, were holden by particular Men, by *Grant* from the Crown, and as *Tenents* to the *Manner*, where the Lands lay, or to ſome other *Manner*, at ſome diſtance from them, and therefore for this reaſon, they could not be called, *Civitates & Burgi Dominici Regis*. The Kings *Demeaſn Cities* and Burghs, but muſt be ſo called, by reaſon of the *Fee-Farm* they paid as *Cities* and *Burghs*, as *Communities*, *Corporations* and Bodies *Politique*, *conſtituted* by the Kings Charters, with *Liberty* of free *Trading*, from which Trade, or from Tolls and Cuſtoms thereby happening, the Fee-Farms of ſuch Communities aroſe, and from hence the *Burgeſſes* of ſuch places, as *Burgeſſes* were *called* the Kings *Farmers*, or *Tenents* in *Fee-Farm*.

Cities and Burghs why called Demeaſn Cities and Burghs.

Having ſeen, what the *Civitates & Burgi Dominici Regis*, the Kings *Demeaſn Cities* and *Burghs* were, we ſhall next ſhew what, and how many of the preſent *Parlement Burghs* were *ancient Demeaſns*. And in doing this, I will follow the direction of an ancient [8] Writ, to the Treaſurer and Barons of the Exchequer, in 48th of *Edward* the Third, when the Men of the *Town* of *Lindon* in the County of *Rateland*, complained to the King, that notwithſtanding it was neither *Burgh* nor *antient Demeaſn* of the Crown, yet it was *Taxed* a *Tenth*, whereas they ſhould have been *Taxed* only a *Fifteenth*, in this caſe the King Commands the *Treaſurer* and *Barons* of the *Exchequer*, that if it did appear by his *Book* called *Domeſday*, or by other *Rolls* and *Memorials* of the Exchequer, or any other competent way, that it was neither *Burgh* nor *antient Demeaſn*, they ſhould accept a *Fifteenth* and diſcharge them of the *Tenth*, *&c.* *Vobis mandamus quod ſi per Librum noſtrum qui vocatur* **Domeſday**, *vel per alios* **Rotulos & Memoranda** *Scaccarii ſive alio modo competenti dictam Villam Burgum vel de* **Antiquo Dominico** *Coronæ noſtræ non eſſe invenire contigerit, &c.*

[8] Old Regiſter, fol. 181. B. f. 182. A.

From this Book therefore of *Domeſday*, and other *Records* it will manifeſtly appear, which of the preſent *Burghs* were ancient Demeaſns.

In *Berk-Shire New-Windſor*, and *Reding* in *Buckingham-Shire*, *Wicomb*, *Wendover*, *Alisbury* then no *Burghs*. In *Devon-Shire*, *Barnſtable*, *Plimpton*, *Taviſtoke*, *Aſh-Burton*, *Tiverton*, the four laſt then *no Burghs*. *Dorſet-ſhire*, *Melcomb* then no Burgh. *Eſſex*, *Maldon*. *Glocester-Shire*, *Tewkeſbury*, *Cirenceſter*, the laſt then *no Burgh*. *Hereford-Shire*, *Lemſter* then *no Burgh*. *Huntington-Shire*, *Huntington* 3 *Henry Quinti*. *Lincoln-Shire*, *Grantham*, *Grimeſby*, then the laſt *no Burgh*. *Norfolk*, City of *Norwich*, *Great Yarmouth*, *Thetford*. *Oxford-Shire*, *Woodſtooke*, but then *no Burgh*. *Sommerſet-Shire*, *Ilcheſter*, *Milborne*. *Ham-Shire*, *Andover*. *Stafford-Shire*, *Tamworth*. *Suffolk*, *Ipſwich*. *Surrey*, *Guildford*. *Wilt-Shire*, *Wilton*, *Weſtbury*, *Caln*, *Chepeham*, now *Chippenham*, *Cricklade*, *Bedwin*, then the laſt *Weſtbury* and *Chepeham no Burghs*. *York-Shire*, *Knareſburg*, *Malton*, *Threſke*, *Alvertune*, then *no Burghs*. All theſe Towns are

How many of the preſent Burghs, were only Towns in ancient Demeaſn.

to be found under the Title of *Terra Regis*, the Kings Land in *Domeſday* Books, in the ſeveral Counties, except *Wicomb*, which is to be found in *Buckingham-Shire*, under the Title of *Terra Epiſcopi Wintonienſis*, and was allotted to the *Monks* of *Wincheſter* for their Diet, both before and after the Conqueſt. *Hoc* * *Manerium* (i. e. *Wicomb.*) *fuit & eſt ad victum Monacorum Wintonienſium.* But how I cannot ſay, this Town afterwards came into the Kings Hands, and was the Demeaſn of the Crown. For in the [9] Fifth of his Reign King *John Granted* it in *Fee-Farm*, at the Rent of 20 *l. per Annum*, and the Service of one Knights Fee, to *Alan Baſſet*, and King *Henry* the Third, in the 33d year of his Reign, when he *Taxed* his *Demeaſns* at the requeſt of *Philip Baſſet* his Son, directed his Writ to the *Sheriff* of *Buckingham-Shire* to impoſe a reaſonable *Tallage* upon the Tenents of *Philip* in *Wicomb*, as having been once the Demeaſn of his *Progenitors* as appears by the Writ it ſelf. [1] *Quia Rex Talliari facit Dominica ſua Mandatum eſt Vicecomiti Bucks, quod habere faciat Philippo Baſſet Rationabile Tallagium de Hominibus ſuis de eo Tenentibus in Manerio de Wycumb, quod aliquando fuit Dominicum Prædeceſſorum Regis, Regum Angliæ. Teſte Rege apud Weſtminſter Viceſimo Octavo Die Decemb.*

In *Cornwal* at the [2] time of the Survey, none of the now *Burghs* were placed under the Title of *Terra Regis*, unleſs that which was then called *Henliſtone*, and deſcribed as an ordinary Town, be now *Helſton*, nor had any of them at the time aforeſaid, the Title of *Burghs*, [3] *Eccleſia Sancti Germani*, that Manner or Pariſh conſiſted of Twenty four *Hides*, whereof the *Biſhop* of *Exceſter* had Twelve, and the *Canons* of the place had Twelve, what belonged to the *Biſhop* was valued at *VIII l.* by the Year, what belonged to the *Canons* was valued at an *C.* Shillings. *In hoc Manerio eſt Mercatum in Die Dominico ſed ad nichilum redigitur pro Mercato Comitis Moritonii quod ibi eſt proximum*, in this *Manner* is a *Mercate* on the Lords Day, but 'tis reduced to nothing by reaſon of the *Mercate* of the Earl of *Moreton*, that is very near.

The Earl of *Moreton* [4] holds *Liſcarret*, there deſcribed as an ordinary Town, the ſame holds *Fawintone*, there deſcribed as an ordinary Town, Pariſh or Village, the ſame holds *Dunhevet* (now *Lanceſton*) *ibi Caſtrum Comitis*, there is *the Earls Caſtle, or the Head of the County.*

The [5] *Church* of St. *Petroc* holds *Bodmine*, there St. *Petroc* hath 68 Houſes, and a *Mercate*, the whole is valued at XXXV Shillings by the Year.

No other *Names* of the preſent *Burghs* in *Cornwal* to be found in *Domeſday Book*, or other things of theſe.

In *Devonſhire*, beſides what were mentioned before under the *Title* of *Terra Regis.* There is *Exceſter Burgus* deſcribed by it ſelf, *Honetone* under the Title of *Terra Comitis Moretonenſis* but no *Burgh. Totnais Burgus*, under the Title of *Terra Judhael de Totnais*, and *Ochementone* (I ſuppoſe now *Okebampton*) *Burgus*, under the *Title* of *Baldwin* the Sheriff. *Baldwinus Vicecomes* [6] *Tenet Ochementone de Rege, ibi ſedet Caſtellum, ibi quatuor Burgenſes, & Mercatum valet* IIII *Soltdos.*

No

* Domeſd. f. 143. B. Col. 2.

[9] Cart. 5. Johan. n. 210.

[1] Clauſ. 33. *Henry* the 3d m. 14.

[2] The time of the making of Domeſday Book which ſee in *Cornwal.*

[3] Domeſd. in *Cornwal, ſub Tit. Terræ Epiſcop. Exceſtren.*

[4] Ibid. Sub. Tit. Terræ Comit. Moriton. f. 121. B. Col. 1.

[5] Ibid. f. 120. B. Col. 2.

[6] Ibid. f. 105. B. Col. 2.

A B C D E F

No other *Names* of the preſent *Burghs* to be found in this County, in *Domeſday-Book*, unleſs, as hath been noted before, thoſe which are placed under the *Title* of *Terra-Regis*.

In *Wiltſhire*, beſides what were reckoned before under the Title of *Terra-Regis*, there is [7] *Malmesbery* deſcribed by it ſelf; *Merleberg* is deſcribed as an *ordinary* Town, no *Burgh*. *Dantone* is placed under the *Title* of *Terra Epiſcopi Wintonienſis*, no *Burgh*, but deſcribed as an *ordinary* Town. *Salisbery* is under the *Title* of [8] *Terra Epiſcopi Saliſberienſis*, no *Burgh*, but deſcribed as a very *great Manner*, and as other *Country Towns*, only thus in part of the Deſcription. *In Wiltune vii. Burgenſes pertinentes huic Manerio, reddunt lxv. Denarios.* [9] *Etesbery* (I ſuppoſe now *Heytsbury*) under the *Title* of *Terra Aluredi de Iſpania*, and is thus deſcribed; *Aluredus* [1] *de Iſpania Tenet de Rege Etesberie, Alwi Tenuit Tempore Regis Edwardi, valuit iii l. modo iiii l.*

[7] Ibid. fol. 64. B. Col. 1.

[8] Ibid. fol. 66. A. Col. 1.

[1] Ibid. fol. 73. A. Col. 1.

No other Names of the preſent *Burghs* to be found in the *Deſcription* of *Wiltſhire*, but ſuch as were *Ancient Demeaſns*.

And ſo it is in other Shires and Counties, ſuch eſpecially as have now many *Burghs* in them, as *Somerſetſhire*, *Hamſhire*, *Suſſex*, *Lancaſhire* and *Torkſhire*, in every of theſe there are now ſeveral real or reputed *Burghs*, whoſe Names are not to be found in the *Conquerors Survey*.

And therefore we are next to ſhew, or at leaſt make a probable conjecture, what the *Original* of many (if not all) our preſent *Burghs* was; which to me ſeems to have been only from *Charters*. We will begin with thoſe of *Cornwal*, which are moſt obſcure, and then inſtance in ſome others.

The Original of our preſent Burghs.

For the *Burgh* of *Helliſton* ſee Appendix, Numb. 8. *Helleſton.*

Truro, Truru, or *Triuereu*, was ſomtime the Poſſeſſion of *Richard de Lucy*, a Perſon of great Note in the *Reigns* of King *Stephen*, and *Henry* the Second; in the Eighth of whoſe Reign he was made *Juſtice* of *England*. From him it came to *Reginald Fitz-Roy*, who was one of the *Illegitimate* Sons of King *Henry* the *Firſt*, and was [2] Created *Earl* of *Cornwal* by King *Stephen* in the Fifth of his Reign, and died in the 21ſt of *Henry* the Second. He, by his *Charter*, Granted to his *Free Burgeſſes* of *Triuereu*, That they ſhould have all their *Free Cuſtoms*, and ſuch as were uſed in *Cities*, and the ſame in all things which they had in the time of *Richard de Lucy*: (That is to ſay) *Sac*, *Soc*, *Tol*, *Them*, and *Infangenethuf*; and Granted them, That they ſhould not *Plead* or be *Proſecuted* in *Hundred* or *County-Courts*, nor for any *Summons* ſhould go any where to any *Law-Buſineſs* without the Town of *Triuereu*; and that they ſhould be *Quit* from paying *Toll* through all *Cornwal*, in *Fayrs* and *Markets*, and whereſoever they bought and ſold. And that for the *Goods* they *Truſted*, when they were not paid, they might *Diſtreyn* their *Debtors*, when they found them in their Town. The *Charter* it ſelf runs thus:

Truro.

[2] Dugd. Baron. f. 610. Col. 1, 2.

[2] Cart. per Inſpeximus 13.Ed.1.N.61.

The Charter of *Truro*.

Reginaldus Regis Filius Comes [3] *Cornubiæ. Omnibus Baronibus Cornubiæ & omnibus Militibus, & omnibus Libere-Tenentibus, & omnibus Tam Anglicis quam Cornubienſibus, ſalutem. Sciatis, quod conceſſi* **Liberis Burgenſibus** *meis de* **Trivereu** *habere omnes* **Liberas Conſuetudines & Urbanas**, *& eaſdem in omnibus quas habuerunt in Tempore* **Ricardi** *de* **Lucy**, *ſcilicet* **Sacham**, *&* **Sotham**, *&* **Toll**, *&* **Them**, *&* **Pinſangenerbut** *& Conceſſi eis quod non placitent in* **Hundredis**, *nec* **Comitatibus**, *nec pro aliqua ſummonitione eant ad placitandum alicubi extra villam de* **Trivereu**, *& quod quieti ſint de* **Thelneo** *dando per totam* **Cornubiam** *in* feriis, *&* foris, *& ubicunque emerint & vendiderint, & quod de pecunia eorum accredita, & non reddita* **Namum** *capiant, in Villa ſua de Debitoribus ſuis. His Teſtibus, &c.* without Date. A

In the ſame *Record* it follows thus: *Inſpeximus etiam Chartam quam Henricus proavus Noſter* (*Henry* the Second, who was Great Grandfather to *Edward* the Firſt) *fecit eiſdem Burgenſibus in hæc Verba. Henricus Dei Gratia Rex Angliæ, & Dux Normanniæ, & Aquitaniæ & Comes Andegaviæ, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus fidelibus ſuis Francis, & Anglis, totius* **Angliæ**, *&* **Cornubiæ**, *Salutem. Sciatis me Conceſſiſſe & Præſenti Carta Confirmaſſe* **Burgenſibus** *Richardi de Lucy de* **Trivereu** *omnes Libertates & Liberas Conſuetudines, quas* **Comes Reginaldus Avunculus meus**, (baſe Son to **Henry** the Firſt, and ſo Brother to **Maud** the Empreſs) *rationabiliter dedit eis & conceſſit ſicut* **Carta** *ipſius Comitis Teſtatur, quare volo, &c. Teſtibus R. Epiſcopo Winton. &c.* without date, both which Charters *Edward* the Firſt Confirmed by his Charter, dated on the 12th of *June*, in the * 13th of his Reign, **Edmund** then *Earl* of *Cornwal* being a Witneſs to it. B C

* A.B. 1284.

Richard, Brother to King *Henry* the Third, was created Earl of *Cornwal* in the [4] Fifteenth year of his Reign, who by his [5] Charter, without date made **Dunheved** or **Lanceſton** a *free Burgh*, and amongſt other Liberties, *Granted* to the *Burgeſſes* to chooſe their own Bayliff, who were to anſwer the *Farm* of the *Burgh*, which was to himſelf an *Hundred Shillings*, to the Priory of St *Stephen* in *Lanceſton*, *Sixty Five Shillings* and Ten Pence, and to the *Lepers* of St *Leonard* of *Lanceſton* an *Hundred Shillings* of his *Alms*. He granted them alſo *Unam Placeam*, where they ſhould think it moſt Decent and Honourable, to *erect* a *Gild-Hall* in the ſame *Burgh*, to *hold* of *him* and his *heirs*, by a Pound of Pepper to be paid yearly at *Michaelmaſs* for *all Service* and *Demand* whatever, he *Granted* alſo they ſhould not be *Taxed* when the *County* was, nor *Talliated*, by him or his Heirs, when the King *Talliated* all his *Burghs* in *England*. *Et* [6] *quod non Talliantur per nos vel Hæredes noſtros ad Tempus quando Dominus Rex omnes Burgos ſuos per Angliam Talliaverit.* There were *Burgeſſes* inhabiting in, or belonging to the Caſtle of this Town in the time of King *Henry* the Second, who had certain *Liberties* and *Privileges*, as appears by the *Charter* of *Helleſton* in the Appendix, N. 8. D E F

[4] Cart. 15. Hen. 3. M. 4.

[5] Pat. 2. Hen. 5. part. 3. M. 28 per inſpeximus.

Dunheved or *Lanceſton*.

[6] Ibid.

The ſame *Earl* **Richard** made **Lisbereth** or **Liskard** a *free Burgh*, and Granted to the *Burgeſſes* [7] all thoſe *Liberties* and *Free Cuſtoms*, which by his *Charter* he had *Granted* to his *Burgeſſes* of *Lanceſton* and *Helle-*

Leskard.

[7] Pat. 2 E. 3. Part. 2. M. 14. per Inſpeximus.

Helleſton. This *Charter* is dated 5 *Junii*, in the 24th of his Brother *Henry* the Third, *A. D.* 1240.

Edmund Earl of *Cornwal* his Son in the [8] Third of *Edward* the First, *Granted* this *whole Burgh*, with the *Rent* of the ſame, and his *Mills* of *Bodgara*, and *Lonvil*, with the *Hill* of *Bodgara* and the *Meadows* belonging to the *Mills*, with the *Toll* of the *Mercat* and *Fairs*, and alſo all *Fines*, *Mulcts* and *Perquiſites* of the ſame *Burgh*, belonging to him and his Heirs in *Fee-Farm*, at the Rent of *Eighteen Pounds Sterling*, to be paid to him or his Heirs by the hands of his *Seneſchal* of *Cornwal*, by equal portions at *Eaſter* and *Michaelmaſs*. [9] except to himſelf and Heirs, that they might *Talliate* the ſaid *Burgh*, as often and when the King of *England* did *Talliate* his *Cities* and *Burghs*. *Salvo nobis & Hæredibus noſtris quod prædictum Burgum Talliare poſſumus, quotieſcunque Dominus Rex Angliæ Civitates & Burgos ſuos Talliaverit.*

[8] Ibid.

[9] Ibid.

The ſame Earl *Richard*, [1] Granted to the *Prior* and *Canons* of *Bodmin*, a free *Merchand-Gild*, (Gildam Mercatoriam) in that Town, and that their *Burgeſſes* ſhould be *free* and *quit* of all *Cuſtoms* and *Exactions* through all *Cornwal*, for the yearly Rent of 43 *s.* and 4 *d.* without date, *&c.*

[1] Cart. 13. Ed. 1. n. 9. by Inſpeximus. *Bodmin.*

The ſame *Earl* when he was King of the *Romans*, [2] in the 12th year of his Reign [3] made *Loſtwithiel* and *Penknek* one *free Burgh*, and that his *Burgeſſes* there ſhould have a *Merchant-Gild*, and then proceeds and *Grants* them further *Liberties* in the *ſame words* with thoſe of *Truro*.

[2] Cart. 19. Ed. 2. n. 24. by Inſpeximus.
[3] A.D. 1269. Hen. 3. 53. *Loſtwithiel.*

John of *Eltham* Second Son to *Edward* the Second, was *Earl* of *Cornwal*, who [4] *gave* and *Granted* to his *Burgeſſes* of *Grauntpount*, or Great-Bridge in *Cornwal*, the whole Town, and ſeveral other Lands *abuttalled* and *bounded* in his *Charter*, and made it a *free Burgh*, which they were to *hold* of *him* and *his Heirs* for ever in *Fee-Farm*, paying at the *Feaſts* of *Eaſter* and *Michaelmaſs*, *Twelve Pounds Eleven Shillings* and *four Pence*. This *Charter* * bears date the Sixth of *October* in the Seventh year of his *deareſt* Brother King *Edward*.

Grauntpount.
[4] Pat. 1. R. 2. part. 6. m. 7. by Inſpeximus. * Vid. Cart. 6. Ed. 3. n. 7. To which this *John* Earl of *Cornwal*, ſo named there, was a Witneſs.

Reginald de Valle Torta, or *Vautort*, who [5] lived in the time of King *John*, and died in the 30th of *Henry* the Third, was *Lord* of the *Honor* and *Caſtle* of *Trematon*, which was head of it, to it [6] belonged Fifty nine *Fees* of the yearly *Value* of 259 *l.* 6 *s.* 8 *d.* As the *Earls* of *Cornwal* exerciſed their *Jura Regalia* in *erecting* of *Burghs* in the *County*, ſo this *Reginald* and his Anteceſſors, exerciſed theirs in *erecting* the *Burgh* of *Eſſa*, or *Saltaſh*, within their *Honor* of *Trematon*.

[5] Dugd. Baron. f. 22. Col. 1. 2.
[6] Rot. Eſchaet. 28. Ed. 1. n. 44. *Eſſa*, or *Saltaſh.*

[7] *Sciant præſentes & futuri, Quod ego Reginaldus de Valle Torta Dedi & Conceſſi & hac præſenti Cartâ meâ Confirmavi Liberis Burgenſibus meis de Eſſa omnes Libertates & Liberas Conſuetudines ſuas hic ſubſcriptas, quas habuerunt tempore Anteceſſorum meorum, &c.* which were many, and amongſt them theſe, That they ſhould *chooſe* their own *Bayliff* or *Mayor*; That they ſhould have the whole *Toll* of *Bread*, *Totum Panis Theloneum*; and, That none of his *Burgeſſes* ſhould be *taken* and *carried* to his *Caſtle*, *if they were able to find ſufficient Sureties* of their *Peers*, for their *Tranſgreſſions*. This *Charter* was Confirmed by *Richard* the *Second*, *ut ſupra*.

[7] Pat. 5. Ric. 2. part. 1. m. 10. by Inſpeximus.

This

This *Burgh* of *Eſſa* is now called [8] *Saltaſh*, which lies in the ſame *Pariſh* of St *Stephens*, whe ein the *Caſtle* of *Tremeton*, the *head* of that *Honor* now doth, or then did ſtand. Theſe *inſtances* are ſufficient for *Cornwal*, ſome few do follow in other Counties.

[8] *Carew's Survey of Cornwal*, p. 111. b. & p. 112. b. printed *A. D.* 1602.

Baldwin de Redverys, [9] Earl of *Devon* and Lord of the *Iſle* (that is, *Wight*) in the 26th of *Henry* the Third, *Granted* to his *Burgeſſes* of *Plympton*, his whole *Burgh* of *Plympton*, with the *Market* and *Fairs*, and all appurtenances to the ſaid *Burgh* belonging, to *have* and to *hold* to *them* and *their Heirs* of *him* and his *Heirs* for ever, ſo *freely* and *quietly*, with all *Liberties* and *free Cuſtoms*, *eo modo ſicut Cives Exoniæ melius & liberius habent vel habere debent in Civitate ſua Exoniæ, quam de Rege tenent*, in the ſame manner as the *Citiſens* of *Exceſter*, beſt or moſt freely have, or ought to have in their *City*, which they *held* of the King; this *Charter* was confirmed by *Edward* the Firſt, as above.

[9] *Cart.* 13. *Ed.* 1. n. 64. by *Inſpeximus*. *Plympton.*

Preſton in *Lancaſhire*, [1] made a *Burgh* by King *Henry* the Second, had new *Liberties* granted by King *John*, when the *Earl* of *Moreton* and *Lancaſter* confirmed by King *Henry* the Third, and *Edward* the Third.

[1] *Cart.* 2 Ed. 3. n. 6. by *Inſpeximus*. *Preſton.*

The ſame *John* Earl of *Moreton* and *Lancaſter*, [2] Granted and Confirmed to his *Burgeſſes* of that Town, in the fourth of *Richard* the Firſt, all the *Liberties* which he had Granted to the *Burgeſſes* of *Briſtol*, and furthermore, releaſed to them the *Suit* they ought to his *Mill*, and *acquitted* them from *Ploughing* his Lands, and *performing* other *Servile Cuſtoms*. *Johannes Comes Moreton omnibus hominibus & amicis ſuis Francis & Anglicis præſentibus & futuris, Salutem. Sciatis, me conceſſiſſe & hac Carta mea confirmaſſe Burgenſibus meis Lancaſtriæ omnes Libertates quas Burgenſibus Briſtol conceſſi. Præterea clamavi eoſdem Burgenſes quietos de Secta Molendini, & de Arura, & de aliis Servilibus Conſuetudinibus quas facere ſolebant, &c.* This *Charter* was *confirmed* by this *John*, when King, and by *Edward* the Third, in the Eleventh of his Reign, as in the Margin.

[2] *Cart.* 11. Ed. 3. m. 22. n. 39. by *Inſpeximus*. *Lancaſter.*

John the eldeſt Son of the *Duke* of *Britain*, and Lord of *Richemund*, by his *Charter* without date for *him* and his *Heirs*, [3] Granted to the *Burgeſſes* of *Richemund*, the *Burgh* of *Richemund*, with the *Mercate* and *Fairs*, and the *Tolls*, with all *Rents* of Aſſize, *Attachments*, and *Pleas*, or *Mulcts* of the ſaid *Burgh*, and his whole *Demeaſn*, called the *Land* of *Fonteney*, *&c.* At the Rent of Forty Pound *per Annum*, *&c.* Which Charter was *confirmed* by *Edward* the Third, in the Second of his Reign, as in the Margin.

Richemund.

[3] *Pat.* 2. *Ed.* 3 *Part.* 1. m. 11. by *Inſpeximus*.

King *John* in the Second of his Reign, Granted to [4] *Baldwin* Earl of *Albemarle* and *Hawis* or *Avis* his Counteſs the free *Burgage* in *Heddun*, now *Hedon*, *Heydon*, or *Hodon* in *Yorkſhire*, to them and their Heirs in *Fee* and *Inheritance*, ſo that their *Burgeſſes* of *Heddun* might *hold* freely and quietly in *free Burgage*, as his *Burgeſſes* of *York* and *Lincoln*, beſt, moſt freely and quietly did hold, with ſuch *Cuſtoms* and *Liberties* as King *Henry* his Father, (that is, *Henry* the Second) Granted to *William* Earl of *Albemarle*, by his reaſonable *Charter*.

[4] *Cart.* 9. *Ed.* 3. n. 53. by *Inſpeximus*. *Hedon.*

Johannes

Johannes Dei Gratia Rex Angliæ, &c. Sciatis nos Conceſſiſſe [5] *Baldewino Comiti Albemarliæ & Haviſiæ Comitiſſæ Uxori ſuæ liberum Burgagium in Heddunaeis & Hæreditibus ſuis in feudo & hæreditate, ita quod Burgenſes eorum Heddunæ, liberè & quietè in libero Burgagio teneant ſicut Burgenſes noſtri de Eboraco vel Nichol melius, & liberius, & quietius tenent, illis Conſuetudinibus & Libertatibus, ſicut Rex Henricus Pater noſter Willielmo Comiti Albemarliæ per Cartam ſuam rationabilem conceſſit. Teſtibus, &c. Dat. apud Caneford 13 Die Decemb. Anno Regni noſtri 2.* This Charter was confirmed by *Edward* the Third, as in the Margin. Very many more *Inſtances* might be given of *Charters* of very *obſcure Burghs*, and might alſo be *publiſhed* in the *Appendix*, if it were not for making this *Treatiſe* too Bulky.

[5] Ibid.

From theſe *Inſtances* we may make a more than probable *Conjecture*, that all *Free-Burghs*, though now never ſo obſcure had their *beginning* from Charter, which was *Granted* as well for the *Advantage* of the *King*, *Earl*, or other great Man, *Lord* of the *Burgh*, as for the profit of the *Burgeſſes* themſelves. For a *Free Burgh* in the *true ſenſe* of the word, was only a *Town* of *free Trading*, with a *Merchant Gild*, or *Community*, without paying *Toll*, *Pontage*, *Paſſage*, *Stallage*, *&c.* And being *free* from certain *Fines* or *Mulcts*, from *Suit* to *Hundred*, and *County-Courts*, *or being proſecuted*, *or anſwering there*, *or any where elſe*, *but within their own Burgh*, *except in Pleas of the Crown.* With other *Privileges*, *Liberties* and *Cuſtoms* according to the *Tenor* of particular *Grants* and *Charters*. And a free *Burgeſs* was no other, than a Man that exerciſed free Trade, according to the *Liberties* and *Privileges* of his *Burgh*, whether he reſided in it, or whether he had *Liberty* to live and *Trade* other where.

What a Free Burgh is.

Upon *Account* of theſe *Liberties*, the *Prince* or *Lord* of the *Burgh* received *Toll* and *Cuſtoms*, for the *Goods* bought and ſold, or in proceſs of time a *Fee-Farm Rent*, or Annual *Compoſition* in a ſtated Sum, always *leſs* than the true value, in *Lieu* of them. And a reaſonable *Tallage* or *Aid*, when for his *neceſſity* he had reaſon to impoſe it. And that *Tallage* was due and paid by *Citiſens* and *Burgeſſes*, to our ancient Kings, only in *Conſideration* of their *Liberty* of *Buying*, *Selling* and *Trading*, and the *Liberties* they had *Granted* them to that purpoſe and ſo to do, will be clearly evinced by what follows.

Tallage why paid and impoſed by our antient Kings.

In the [6] Eleventh of *Henry* the Third, *New Sarum* was made a *City* by the Kings Letters Patents, and *given* to the then *Biſhop* his *Succeſſors* and *Canons* there, and their *Succeſſors* as their *proper Demeaſns*, *(tanquam proprium Dominicum)* and further *Granted* to the ſame *Biſhop* and his Succeſſors, that for the *neceſſity* of himſelf or his *Church*, he might take a *reaſonable Tallage* or *Aid* of his *Citiſens*, when the *King* or his *Heirs* made a *reaſonable Tallage* in his *Demeaſns*. *(Concedimus inſuper eidem Epiſcopo, & Succeſſoribus ſuis, quod pro neceſſitatibus ſuis, & Eccleſiæ ſuæ,* **Tallagium** *vel* **rationabile auxilium** *capiant de prædictis Civibus ſuis, quando nos vel hæredes noſtri* **Tallagium** *faciemus in Dominicis noſtris.)*

[6] *Riley's Placit. Parlamentar.* f. 271. The Caſe of *Salisbury* about Tallage.

In the 33d year of *Edward* the Firſt, the *Biſhop* of *Salisbury* [7] required an *Aid* or *Tallage* of the *Citiſens* of *New Sarum*, according to the *Grant* of *Henry* the Third, the *Citiſens* refuſe payment, upon application

[7] Ibid. f. 273.

application of the *Biſhop* to the King, he granted his precept to the Sheriff of *Wiltſhire*, to *Summon*, by two legal Men, the *Mayor* and *Community* (not all the Burgeſſes, but the governing part) of *New Sarum*, to appear before *him* and his *Council* at *Weſtminſter*, to ſhew cauſe why they *ought* not to be *Talliated* according to the *Charter* and *Grant* aforeſaid.

[8] Ibid. They appeared by their Attorneys, [8] and Pleaded, that *Richard*, the *Predeceſſor* of the then *Biſhop* with the *Concurrence* and *Aſſent* of the *Dean* and *Chapter*, by their *Charter*, had confirmed to [9] Ibid.f.274. their *Free Citiſens* of *New Sarum* [9] that every one of them ſhould *hold* his *free Tenement*, *(ſuum Liberum Tenementum)* in the *City* aforeſaid, and their *Heirs* likewiſe, honourably, freely, quietly and peaceably, *rendring* to the *Biſhop* and his *Succeſſors*, (*pro plena placea*) that is, *a full Tenement* or *Burgage*, *twelve pence* by the year, and he that *held* more or leſs ſhould pay according to the ſame quantity more or leſs for all *Services* and *Demands*, and upon this they produce the *Charter* of *Biſhop Richard*, and *demand Judgment*, if as they were *Free Men* and *Free Tenents*, (*Deſicut ſunt liberi & libere Tenentes*) as it was contained in the *Charter* aforeſaid, and never were as they ſaid *Talliated*, whether they ought then to be Talliated.

[1] Ibid.f.275. The *Biſhop*, notwithſtanding the *Grant* of his Predeceſſor, [1] affirmed, they *ought* to be *Talliated*, and pleads the *Charter* of King *Henry* III. and that the *Citiſens* at their *own charge* had procued a *Confirmation* of it, from King *Edward*. And the *matter* having been fully *debated* before the King and Council in Parlement, it was ſaid, that King *Henry* in the *Grant* of their *Liberties* (which were no other than thoſe of the *City* of *Winton*, and many other *Cities* and *Burghs*) impoſed upon the ſaid *Citiſens*, the Burthen of the ſaid *Tallage* and reaſonable *Aid*, for the *neceſſities* of the ſaid Church, when the King or his Heirs made a *Tallage* in his *Demeaſns*, and from the time the ſaid *Citiſens* uſed their *Liberties* and *quietances* (that is from *Toll*, *Pontage*, *Paſſage*, *&c.*) to their profit, by the ſaid *Charter*, they ought to bear the *Burthen* impoſed upon them by the ſame, when 'tis conſonant to Reaſon, that thoſe who have the *profit* ſhould bear the *Burthen*.

Tallage paid by Burgeſſes in reſpect of their Trading and the uſe of Burgh Liberties.

[2] Ibid. The King therefore did *Will* and *Command*, [2] that the *Citiſens* ſhould be for that time *Talliated*, for the profit they had received by their *Liberties* from the time of the firſt *Grant* of their *Charter* until then. And afterward *chooſe* whether they would *uſe their Liberties*, and *be Talliated* according to their *Charter* for the future, or *renounce* them, and not be *Talliated*. The *Citiſens* did *chooſe* to *renounce* their *Liberties*, and a few days after *Surrendred* them to the King by the *hands* of their *Mayor*.

When by reaſon of this *Renunciation*, the *Citiſens* could not uſe their *Liberties*, or any one of them, within leſs than the ſpace of a year, they, with the *Biſhop*, *Petition* the King to have their *Liberties* Regranted, and do *ſubmit* to pay *Tallage*, as it follows in the [3] Cart. 34. Ed. 1. n. 27. *Charter* of this King, after the *Repetition* of King *Henry*'s *Charter*, and the precedent Judgment. [3] *Et idem Epiſcopus & Prædicti Cives jam nobis attentè ſupplicaverunt, ut de Gratia noſtra concedere velimus*

*

limus, libertatibus superius expressis, (in the Charter of King *Henry*) *& dictos Cives contingentibus, & per ipsos ut prædictum est Renunciatis, de cætero uti possint & gaudere, Nos licet dicti Cives Libertatibus prædictis Renunciaverint sicut prædictum est, considerantes tamen pium propositum quod dictus Pater noster habuit ad Ecclesiam prædictam, &c. Necnon & per finem quem prædicti Cives fecerunt nobiscum coram Consilio nostro Volumus & Concedimus pro Nobis & Hæredibus nostris, quod*
A *dicta Civitas de Nova Sarum sit Libera Civitas ipsius Episcopi, & Successorum suorum, ac Ecclesiæ prædictæ in perpetuum. Et quod Cives ejusdem Civitatis ibidem manentes sint Cives ipsius Episcopi & Successorum suorum, & quod per totam Terram nostram de Theolonio, Pontagio, Passagio, Paiagio, Lestagio, Stallagio, Cariagio, & omni alia Consuetudine de omnibus rebus suis sint quieti. Et quod habeant in perpetuum omnes alias Libertates & Quietancias per totam Terram nostram quas habent Cives nostri Wynton & quod omnibus &*
B *singulis Libertatibus supra Scriptis quatenus eos contingunt de Cætero utantur & gaudeant adeo plenè & integrè sicut in dicta Carta prædicti Patris nostri necnon & in Carta nostra de Confirmatione prædicta plenius continentur. Quodque idem Episcopus & Successores sui, Tallagium vel rationabile auxilium capiant de prædictis Civibus suis, Hæredibus vel Successoribus suis ratione Libertatum ipsis Civibus per nos sic concessarum quando nos vel Hæredes nostri Tallagium in nostris Dominicis de cætero faciemus. Quare volumus, &c.* In English thus.

C

And the same *Bishop* and the foresaid *Citisens* now most earnestly have beseeched us. That of our *especial Grace* we would Grant them the *Liberties* above expressed touching the said Citisens, and which were *renounced* by them, and that they might *use* and *enjoy* them; We though the said *Citisens* have *renounced* the *Liberties* aforesaid, considering the *Pious purpose* our Father had to the Church aforesaid, *&c.* And also for the *Composition* or *Fine* the *Citisens* made with us
D before our *Council*, we *Will* and *Grant* for *Us*, and our *Heirs*, that the said *City* of *New Sarum* be the *Bishops* and his Successors *Free City*, forever, and that the *Citisens* of the same City there dwelling, be the *Bishops* and his *Successors Citisens*, and that they be *quit* of *Toll*, *Pontage*, *Passage*, *Paiage*, *Lestage*, *Stallage*, *Carriage*, and all other *Custom* of all their *Goods* through our whole Land, and that they have *for ever* all other *Liberties*, and *Quietances* through our whole Land, which our *Citisens* of *Winchester* have, and that for the future
E they *use* and *enjoy* all and *Singular* the above Written *Liberties*, fully and wholly, as they are contained in our *Fathers Charter*, and our *own* of *Confirmation*. And that the same *Bishop* and his *Successors* may take a *reasonable Tallage* or *Aid* of his *Citisens* aforesaid their *Heirs* or *Successors*, by *Reason* of the *Liberties* by us so *Granted*, when *we* or our *Heirs* shall hereafter *Talliate* our *Demeasns*. Wherefore we *will*, *&c.* Dated the 28th of *May* at *Westminster*.

Why Tallage paid by Burghs and Cities.

F The *Emolument* and *Profit* mentioned in this *Judgment* and *Charter*, did *arise* from *Buying*, *Selling* and *Trading*, and the *Liberties* (by reason whereof the *Citisens* were *Talliated*,) there spoken of, were *Granted* for the *Furtherance* and *Incouragement* of them, which all *Free Citisens* and *Free Burgesses* injoyed, as *Members* of a *Free City* or *Burgh*. And 'tis evident they were called *Free Cities*, (or more frequently) *Free Burghs*, and the *Members* thereof *Free Citisens*,

Free Burghs, Free Cities, why so called.

and *Free Burgeſſes*, (almoſt in all *Charters*) from theſe *Liberties*, and *Free Trading* only, notwithſtanding they were *liable* to reaſonable *Tallage* impoſed by the King, when his *neceſſity* required it; and from their paying a *Fee-Farm* Rent, and being *obnoxious* to the Kings *Tallage*, either expreſſed, or implied in the *Charters*, by the profit received, moſt of the *Cities* or *Burghs* in *England*, were called *Civitates & Burgi Dominici Regis*, as his *Demeaſn* Lands were called *Terræ Regis Dominicæ*, and the *Tenents* of them, *Tenentes Regis Dominici*, for the ſame reaſon, and for others as before hath been ſaid. A

To this we will add another *Record* for the *proof* of the *aſſertion*, that *Tallage* in *Cities* and *Burghs* was paid, upon the *account* of *Buying*, *Selling*, *Trading* or *Merchandiſing*, and *uſe* of their *Liberties* *Granted* by the King, being a *Petition* in *Parlement* in the 33d of *Edward* the Firſt. B

[4] *Riley's* Placita Parlementar. f. 259. *Ad petitionem* [4] *Majoris & Burgenſium Briſtol petentium quod Homines qui Tenent Terras, & Redditus Magiſtri, & fratrum Templi, in Villa Briſtol Tallientur & Contributionem faciant ad Tallagium Regis ejuſdem Villæ cum Burgenſibus ejuſdem, de ſicut ipſi Mercantur, & omnibus aliis Libertatibus & Aiſiamentis uſi ſunt quæ ad dictam Villam pertinent, &c.*

Ita Reſponſum eſt. Diſtringantur pro Contributionibus, & Tallagiis faciendis, & fiat Juſtitia Conquerentibus, & ſuper hoc habeatur Breve de Cancellaria Majori & Ballivis Briſtol. That is. C

To the Petition of the *Mayor* and *Burgeſſes* of *Briſtol*, that the *Tenents* of the *Maſter* and *Brethren* of the Temple, in the *Town* of *Briſtol*, might be *Talliated*, and make *Contribution* to the *Tallage* of the ſame Town paid to the King, with the *Burgeſſes* of the ſame, for that they *Traded* or *Merchandiſed*, and uſed all * *other Liberties* and *Eaſements*, which belong to the ſaid Town. D

* Note Trading, a Liberty.

It was *Anſwered*. Let them be *Diſtreined* for *Contributions*, and *Tallages*, and let Juſtice be done to the Complainants, and upon, or for this, let a Writ go out of *Chancery* directed to the *Mayor* and *Bailiffs* of *Briſtol*.

By what hath been here Written upon that Head, 'tis mightily probable, that our *preſent free Burghs* had their *Origin*, and received the *Liberties* they have of long time uſed, from *Charters* only, (eſpecially ſince the Conqueſt) and if any Man can ſhew any *Burghs*, or Antient Trading Towns, which uſe the Common *Liberties* of *Burghs*, without *Charter*, or that never had one, undoubtedly (if any ſuch there be) they were *Towns holden* of the King in *Ancient Demeaſn*; and the *Inhabitants* upon *preſumption* of being his *Tenents*, did at firſt begin to *Buy*, *Sell* and *Trade*, and by Connivence continued ſo to do, as the *Tenents* or *Men* of the *Templers* did in *Briſtol*, preſuming upon their *Maſters* great Privileges. E F

The Inſtances uſed concerning the Original of Burghs, were of ſuch, as have been Erected by, or Granted to *Earls*. Thoſe *Erected* by the *Charters* of *Earls*, were notwithſtanding conſtituted ſuch, by

by an *Implicite Derivative Power* from the King, who had *Created* them *Earls*, and the Chief Fundamental Dominion of those Burghs remained in the King or Crown: For the *Earls* could not *Talliate* them at their own Pleasure, but only when the Kings *Demeasns* were *Talliated*, and then by his *Grant*, or *Precept*, as is manifest from these two Records.

The Fundamental Dominion of Burghs remained in the King.

A *Rex Vicecomiti Lincoln, Salutem.* [5] *Scias quod Commisimus Dilecto nostro Willielmo Comiti de Warenna Grantham & Stanford cum pertinentiis habendum quousque Terram suam recuperaverit in Normannia, vel quousque ei alibi fecerimus Competens Excambium. Ita tamen quod non possit Talliare Homines de Stanford nisi per praceptum nostrum. Et ideo tibi præcipimus quod ei inde sine dilatione Seisinam habere facias. Teste Rege apud Westm. 19. Die Aprilis.*

[5] Cl. 6. Johan. m. 4.

B By this Record it seems probable, that by the Original Grant, *William de Warenna* might have Power and Licence to *Talliate Grantham*, but he could not impose *Tallage* upon *Stanford*, but by the Kings *Precept*. The other Record is this.

Rex Vicecomiti Cornubiæ, Salutem. [6] *Scias quod de Consilio nostro provisum est, quod auxilium Efficax assideri faciamus in omnibus Burgis & Dominicis nostris per totam Terram nostram Angliæ, & Volumus quod Consimile auxilium assideatur per Totam Ballivam tuam in Dominicis & Burgis nostris, ad opus dilecti fratris nostri R. Comitis Pictaviæ, & ideo tibi præcipimus quod una cum Simone de Brackel, Ballivo prædicti Comitis ad auxilium assidendum in Burgis & Dominicis nostris de Comitatu tuo diligenter intendas, Teste Rege apud Westm. 16 Die Februarii.*

[6] Cl. 11. Hen. 3. part. 1. m. 19. De Tallag. in Comitatu Cornub.

Sir *William Dugdale* in his Baronage, Fol. 762. Col. 1. Says, D *Richard* Earl of *Poicton* Brother to King *Henry* the Third, was *Created* Earl of *Cornwal* in the Eleventh of his Reign, if so, the King might *Grant* this Precept after he was Earl, and call them his *Demeasn* and *Burghs*, by reason of his *Supream Original Dominion*, and *Prerogative*; or if not *made Earl* of *Cornwal* until the Fifteenth of that King, as hath been noted before, he might then have the *Earldom* of *Cornwal* in his Hands by *Eschaet*, or Forfeiture, and so call the *Revenues* of the *Earldom*, and *Burghs* in that County, his *Demeasns*. E Which way soever it was, his *Brother Richard* could not *impose* a *Tallage without his Precept*. Which was a certain Argument that the *Supream Dominion* of those *Corniſh Burghs* was in the King.

I shall conclude this Treatise with the Answers to these two Questions.

F *First*, Who named them, and by whose *Direction* and *Appointment* it was, that such, or such *Burghs* chose, and sent *Burgesses* or *Members* to *Parlement*, and not others?

Secondly, Who then were, or ought to be the *Electors*, in *Real* or *Reputed Burghs*?

The Sheriffs at first directed, what Towns or Burghs should send Burgesses to Parlement.

To the First. It was left to the *Sheriff* of each County to *Name* and *Direct* which were *Burghs*, and which were not, by those *Indefinite* and *General* Words in the Writ. *De qualibet Civitate Duos Cives, & de qualibet Burgo Duos Burgenses, &c. eligi facias, &c.* To cause to be *chosen* two *Citisens* of every *City*, and two *Burgesses* of every *Burgh*.

A

[7] Return. Brev. Parl. 26. Ed. 1. in Turri Lond. *Wiltshire.*

The [7] first *Returns* Extant of *Knights, Citisens* and *Burgesses* are in the Twenty Sixth of *Edward* the First, and in that of *Wiltshire* for that year *Annexed* to the *Writ*, there were returned two *Knights* for the *County*, two *Citisens* for *New Sarum*, two *Burgesses* for *Downton*, two *Burgesses* for the *Devises*, two for the *Burgh* of *Chippenham*, and two for *Malmsbury*, with their *Manucaptors*, and the Writ was sent to the *Constable* of *Merleberge*, (that is, the *Constable* of the *Castle* there,) *& Ballivis Libertatis* Caln, *& Worthe, qui nullum inde dederunt Responsum.* And to the *Bayliffs* of the *Liberty* of *Caln* and *Worthe*, who returned no Answer. To the *City* of *New Sarum*, and these Six other *Burghs*, the Sheriff of this year, made his Precepts, and for them only made his Returns.

B

[8] Return. Brev. Parl. 12. Ed. 3. *Wilts.*

In the [8] Returns of Knights, Citisens and Burgesses to serve for this County in the Twelfth of *Edward* the Third, in a Parlement holden at *York* three weeks after *Michaelmass*, the Execution of the Writ was in a Schedule sewed to it, *Executio istius Brevis patet in Cedula huic Brevi consuta.* After the Return of the Knights, the Sheriff for that year, Returns only two *Citisens* for *Sarum*, two *Burgesses* for *Wilton* and two for *Downton*, with *Manucaptors*; and then for two *Burgesses* for *Merleberg*; *Breve retornatum fuit Constabulario Castri Merleberg, eo quod nulla inde fieri potuit Executio in Balliva mea infra Libertatem prædictam. Et idem Constabularius qui habet Returnum omnium Breviun & Executiones eorundem, nullum mihi inde dedit Responsum.* The Writ was returned to the Constable of the Castle of *Marleburgh*, because it could not be Executed by me in that Liberty, and the *Constable*, that hath the *Return* of all *Writs* and the *Execution* of them gave me no Answer. The Sheriff of this year made his Precept to two Burghs only, and for them, and no other made his Return, and one of them was not returned in the Twenty Sixth of *Edward* the First, and then immediately after his Answer concerning *Marleburgh*, closeth the Return thus. *Non sunt plures Civitates, neque Burgi infra Ballivam meam*, that there were no more *Cities*, nor *Burghs* within his *Bailywick*: That is, within the County, notwithstanding *Bedwin, Caln, Chippenham, Creklade, Devises, Lutgershal, Malmsbury* and *Marleburgh* had frequently *Burgesses* returned to Parlement, especially the two later, before this time, as appears by the *Returns* in *Edward* the First, Second and Third until this year.

C D E F

[9] Return. Brev. Parl. 36. Ed. 3. *Wilts.*

In the [9] Return of the Thirty Sixth of this King, after the Return of Knights for the same County, and *Citisens* for *New Sarum*, there were by this Sheriff two *Burgesses* returned for *Wilton*, two for the *Burgh* of *Old Sarum*, two for the *Burgh* of *Downton*, two for the *Burgh* of *Chippenham*, two for the *Burgh* of *Caln*, in the Return. *Nomina Burgensium Burgi de Caln*, two for the *Burgh* of *Marleburg*, two

for

for the *Burgh* of *Deviſes*, two for the *Burgh* of *Malmsbury*, two for the *Burgh* of *Creklade*, *Nomina Burgenſium Burgi de Creklade*, ſo in the Return, and two for *Bedwinde*. Then after the Names of the Burgeſſes for thoſe *ten Burghs*, with their *Manucaptors*, the Sheriff cloſeth his Return with theſe Words, *& non ſunt plures Civitates nec Burgi in Comitatu prædicto, Ideo inde ulterius nichil actum eſt*, and there are no more Cities nor Burghs, within the ſaid County, and
A therefore there is nothing further done in this matter.

The *Return* of theſe *Burgeſſes* in the Dors of the Writ, is much to our purpoſe, and runs thus: [1] *Ego Henricus Sturmy Vicecomes prætextu iſtius Brevis de Comitatu infra Scripto, Duos Milites, & de qualibet Civitate ejuſdem Comitatus Duos Cives, & de quolibet Burgo dicti Comitatus Duos Burgenſes de melioribus, validioribus, & diſcretioribus, Militibus, Civibus & Burgenſibus, Comitatus, Civitatum &*
B *Burgorum prædictorum eligi feci juxta tenorem iſtius Brevis, & nomina dictorum Militum Civium & Burgenſium patent in quadam cedula huic Brevi Conſuta.* That is,

[1] Ibid. in Dorſo Brevis.

I *Henry Sturmy* Sheriff, by Virtue or Pretext of this Writ, have cauſed to be choſen, in the County under-Written two Knights, and of every *City* of the ſame County two Citiſens, and of every *Burgh* of the ſaid County two Burgeſſes, of the beſt, moſt able, and diſ-
C creet, Knights, Citiſens and *Burgeſſes* of the County, Cities and *Burghs* aforeſaid, according to the Tenor of the Writ; and the Names of the *Knights*, *Citiſens* and *Burgeſſes*, are Written in a Schedule ſewed to this Writ.

WILTS.

In this Return notwithſtanding the Sheriff returned that there were no more *Cities* nor *Burghs* in his County, yet he left out *Lutgerſhall*,
D which had ſent Burgeſſes to Parlement, 7th of *Ed.* 2. twice in the 8th of *Ed.* 2. the 4th of *Ed.* 3. the 14th of *Ed.* 3. and 33d of *Ed.* 3. before this time, as appears by the Returns of thoſe years.

In the 43d of *Edward* the Third. The [2] Return is thus upon the Dors of the Writ. *Ego Walterus Haywood, Vicecom. Vobis ſic Reſpondeo Mandatum Veſtrum Reverenter ſum Executus prout patet in Cedula huic Brevi Conſuta.* I *Walter Haywood* Sheriff, make you this
E Anſwer, that I have Reverently, or rather (according to the meaning of the Man) Truly, Executed your Command, as is to be ſeen in the Schedule ſewed to this Writ. And then Returns only the Names of the *Knights*, *Citiſens* for *New Sarum*, *Burgeſſes* for *Wilton*, *Old Sarum*, *Marleburgh*, the *Deviſes*, *Malmsbury*, *Creklade* and no more, making no Return for *Caln*, *Chippenham*, *Bedwin*, or *Lutgerſhal*, nor Excuſe why he did not.

[2] Return. Brev. Parl. 43. Ed. 3. *Wilts.*

In the 26th of [3] *Edward* the 1ſt, The Sheriff of *Buckingham-Shire*
F made this Return in the Dors of the Writ. *Nulli ſunt Cives, nec Burgenſes in Comitatu prædicto, nec Civitas, nec Burgus propter quod Cives, nec Burgenſes coram vobis venire facere non poſſum.* There are no *Citiſens* nor *Burgeſſes* in the County aforeſaid, nor *City*, nor *Burgh*, for which cauſe I cannot make *Citiſens* or *Burgeſſes* to come before you.

[3] Return. Brev. Parl. 26. Ed. 1. *Bucks & Bedford.*

In

In the 28th of that King, the [4] Sheriff returned for *Agmundesham*, *Wicomb* and *Wendover*, two *Burgesses* for each, which were *Elected* by those Towns or *Burghs*.

[4] Return. Brev. Parl. 28. Ed. 1. *Bucks, &c.*

In the 30th of the same King, there were only [5] two *Burgesses* returned for *Wycomb*, and none for *Agmundesham* or *Wendover*.

[5] Ibid. 30. Ed. 1. *Bucks, &c.*

A

In the First and Second of *Edward* the Second, the then Sheriffs [6] returned two *Burgesses* for *Wycomb*, two for *Wendover*, two for *Agmondesham*, and two for *Great Marlow*.

[6] Ibid. 12. Ed. 2. *Bucks, &c.*

In the 6th of *Edward* the Second, Parlement at [7] *Woodstock July* 20th, the Sheriff made this Return, *Nullæ sunt Civitates in Comitatu Bucks, nec etiam Burgi præter in Villa de Wycomb.* There are no *Cities* or *Burghs* in the *County* of *Buckingham*, except in the Town of *Wycomb*.

[7] Ibid. 6. Ed. 2. *Bucks, &c.*

B

In the 12th of this King, [8] *Wycomb* is only returned as a *Burgh*, and *Burgesses* for it in *Buckingham-Shire*, and in the close of the Return, *Nulla est Civitas nec plures Burgi, in Balliva mea.* There is no *City* or more *Burghs* in my *Bailywick*; and so no other *Burghs* were returned in this County, until after the Reign of *Edward* the Fourth, or the Parlement in 1641. And there are many omissions of very many other inconsiderable Burghs, for 100, 150, 200, 250, 300. or more years, grounded upon the like Returns, some of which sent *Burgesses*, but once or twice, before the Years 1640 and 1641.

[8] Ibid. 12. Ed. 6. *Bucks, &c.*

C

In the 21st and 22d of *Edward* the Third, after the [9] Return for *Knights* of the Shire, for *Glocester-Shire*, and *Burgesses*, for *Glocester* and *Bristol*, the Sheriff Returns, *Non sunt plures Burgi seu Civitates in Balliva mea*, that there were no more *Cities* nor *Burghs* in his County.

[9] Ibid. 21. 22. Ed. 3. *Glocester-Shire.*

D

In the 11th, 17th, 22d of *Edward* the Third, after Knights for the County, and only Citizens for *Worcester*, the [1] Returns were the same as in *Glocester-Shire*.

[1] Ibid. 11. 17. 22. Ed. 3. *Worcester-Shire.*

And so it was in [2] *York-Shire*, *Lincoln-Shire*, *Cornwal*, *Dorset*, *Devon*, *Somerset*, *Southampton*, *Surry*, *Sussex*, and *most* if not all *Counties* in *England*, where there were, at the time of the Returns, any *Small*, *Poor*, *Inconsiderable Burghs*, and where the Sheriffs were more or less kind to them, they *returned* or *omitted* them at Pleasure, and for all what ever I could find, notwithstanding all my Endeavour, without the *direction* of the *King* or his *Council*.

[2] See Returns of these several Counties.

E

In the 5th of *Richard* the Second, there was a Law made, [3] that if any Sheriff of the Realm should be from thenceforth negligent in making his Returns of Writs of the Parlement, or that he should *leave out* of the said *Returns* any *Cities* or *Bouroughs*, which be bound and of *old time* were wont to come to the *Parlement*, he shall be punished in the manner as was accustomed to be done in the said Case in the said time past. But notwithstanding this Law, the *Practice* of the *Sheriffs* remained the same it was before, as will be proved

[3] Stat. at large, 5. Rich. 2. cap. 4 p. 169.

F

proved by what ſhall in part next be ſaid concerning the meaning and reaſon of theſe Returns.

When the Sheriffs made their Returns, that there was not any, or more *Cities* and *Burghs* in ſuch or ſuch Counties, than for which they had *Returned* Burgeſſes, no Man can believe they were ſo *Ignorant*, as not to *know* there were other Burghs, or more than they
A had Returned *Burgeſſes* for, and therefore ſome other than the very Literal meaning of thoſe Words muſt be found out.

The reaſons of the Returns of *non ſunt plures Burgi*, &c.

And to my Apprehenſion, the reaſons (which alſo ſhew the meaning) of theſe Returns, in theſe Words, *Non eſt aliqua Civitas, vel aliquis Burgus*, or *non ſunt plures Civitates, vel Burgi* (than what were returned) *in Balliva mea*, was for that many times, there was no *able*, *fit*, *Perſons* for that Service to be found in the other Burghs
B of the County, at the time of the Return. (The choice being always made in thoſe days out of their own Body, and not of *Foreigners* or *Country Gentlemen*.) And Secondly, for that the *Burghs* were ſo *Poor* as they were not *able* to *pay* the *Burgeſſes* their *Wages* or *Expences*.

This aſſertion ſeems to be manifeſtly evinced, by ſome other Returns made in different Words, though of the ſame Senſe and Import,
C [4] in the 21 *Ed.* 3. after the *Burgeſſes* Returned for *Exon*, *Barnſtable*, *Plympton*, *Tavyſtock*, *Loryton* and *Totnes*. The Sheriff of *Devon Shire* cloſeth his Return with theſe Words, *Non ſunt plures Civitates vel Burgi in Balliva mea quæ ornari poſſant*. There are not any more *Cities* or *Burghs* in my *Bailywick*, which can be Returned, *omitting* all other *Burghs* in that County, by theſe Words it ſhould ſeem, that either there were no Burgeſſes *fit* or *qualified* for the *Service* of *Parlement* in the other *Burghs*, or that they were ſo *Poor* as
D they could not bear the *Expences* of ſuch as ſhould ſerve for them, for the Sheriff *denies* not that there were more *Burghs* in his County, but *affirms* they were *ſuch* as could not be Returned, and if not for *theſe*, 'tis hard to imagine, for what *other Reaſons* they were ſuch.

[4] Return. Brev, Parl. 21. Ed. 3. *Devon.*

In the [5] Returns for *Worceſter-Shire* in 8 and 12 of *Ed.* 2. and 12, 14 *Ed.* 3. the Sheriff ends them thus, after the Returns of *Knights* for the *County*, and *Citiſens* for *Worceſter*, *Non eſt aliquis Burgus in*
E *Balliva mea, unde aliqui ſunt Burgenſes qui ad dictum Parlementum venire poſſunt*, there is not any *Burgh* in my *Bailywick*, whence any *Burgeſſes* can come to Parlement. For the reaſons without doubt abovementioned. Though *Wyche* (now *Droitwich*) had ſent Burgeſſes to Parlement, 26. 28. 29. 30. of *Ed.* 1. and in 2. and 4. *Ed.* 2. and in 28. and 29. *Ed.* 1. they received their Expences, as appears by the Writs, *de Expenſis Militum, Civium & Burgenſium*, then directed to the *Bailiffs* of that Town, and are to be found in the
F *cloſe Rolls* in thoſe years.

[5] Ibid. in thoſe years. *Wigorn.*

In the 27. 28. 29. 33. of *Hen.* 6. the Sheriffs of [6] *York-Shire*, after the Return * only of the *Burgeſſes* for *Scardeburgh* conclude

[6] Ibid. in thoſe years.

* *York* was then a *City* and County, and ſo the Writs for *Citiſens* were directed to, and returned by the Sheriffs of that City, and *Hull* was then alſo a Town and County, and the Writs were directed to, and returned by the Sheriffs of that Town.

* thus.

thus. *Et non ſunt Aliquæ Civitates, vel aliqua Civitas, nec plures Burgi in Comitatu Eborum, unde aliquis Civis, ceu plures Burgenſes ad Parliamentum prædictum ad præſens venire facere poſſum.* And there are not any *Cities*, or *City*, or more *Burghs* in the County of *York*, from whence I can make any *Citiſens*, or more *Burgeſſes* at preſent come to the foreſaid *Parlement*. I ſee not what could be a *Temporary reaſon* why at that preſent the Sheriff of *York-Shire*, could not cauſe more Burgeſſes to come to thoſe Parlements, from other Burghs than *Scardeburgh*, except one, or both of thoſe abovementioned. A

[7] Ibid. 29. Hen. 6. *Norff. & Suff.*

In the 29 *Hen.* 6. only *Citiſens* [7] for *Norwich*, Burgeſſes for *Lin* and *Yarmouth* Returned for *Norffolk*, and only for *Ipſwick* and *Donewick* for *Suffolk*.

[8] Ibid. 28. Hen. 6. *Cornwal.*

In [8] *Cornwal*, 28th of the ſame King, Burgeſſes returned only for *Launceſton*, *Leskard*, *Bodmin*, *Loſtwithiel*, *Truro*, *Helleſton*, and then follows, *Nullæ ſunt Civitates infra Ballivam meam, nec ſunt plures Burgi infra Ballivam meam.* B

[9] Ibid. 28. Hen. 6. *Devon.*

In [9] *Devon*, the ſame year Burgeſſes Returned only for *Exon*, *Dartmouth*, *Totnes*, *Plimouth*, *Plimpton*, *Taveſtock*, *Barnſtable*.

[1] Ibid. 26. Ed. 1. *Lanca-Shire.*

In the 26th of *Ed.* 1. after the Knights of the Shire [1], *Ralph Fitz-Thomas* and *William le Chantour* were *Returned* for the Town of *Lancaſter*, and *Adam Fitz-Ralph*, and *Adam de Biri* for *Preſton*. C

[2] Ibid. 2. Ed. 2. *Lanca-Shire.*

In the 8th of *Ed.* 2. only [2] Knights of the Shire Returned, no Burgeſſes for any Burghs.

[3] Ibid. 19. Ed. 2. *Lanca-Shire.*

In the 19th of *Ed.* 2. for [3] *Lancaſter*, *William Laurence*, *John Brokeholes*, no Return then for *Preſton*, and the Words of the Sheriffs Return are, *Non ſunt aliquæ Civitates in dicto Comitatu nec Burgi præter Lancaſter in Balliva mea*, there are no Cities in the ſaid County, nor Burghs, beſide *Lancaſter* in my Bailywick. D

* Retorn. Brev. Parl. 1. Ed. 3. *Lanca-Shire.* He began his Reign *January* 25th *A. D.* 1326.

In the 1. * of *Ed.* 3. at the Parlement at *Lincoln*, that year *John le Ken*, and *Laurence de Bulke* were returned for *Lancaſter*, and *John Starkey* and *Henry Banaſter* for *Preſton*, and no Returns for other Burghs. E

* Ibid. Eodem Anno.

In the * ſame year at the Parlement at *York*, *Nich. de Lancaſter* and *Henry Burgeis* were Returned for *Lancaſter*, but none for *Preſton*, or any other Burgh.

* Ibid. 2. Ed. 3. *Lanca-Shire.*

In the * Second of the ſame King, in the Parlement at *Northampton* three Weeks after *Eaſter*. The Writ of Summons dated 5. *Martii*. *John de Burghton* Sheriff. *Adam Fitz-Simon*, *John le Ken*, were Returned for *Lancaſter*, and then the *Return* was thus cloſed. *Non ſunt aliquæ Civitates vel Burgi in Balliva mea præter Burgum Lancaſter.* There are no Cities and Burghs in my Bailywick, except the Burgh of *Lancaſter*. No *Return* for *Preſton* this Parlement. F

* Ibid. Eodem Anno.

In the * ſame year of the ſame King, in the Parlement at *New Sarum* on *Sunday* next after Fifteen days after *Michaelmaſs*, the Writ

* of

of Summons dated 26 *Auguſti*, and the ſame *John de Burghton* Sheriff, *John le Ken*, and *Robert de Bolroun* were Returned for *Lancaſter*; and for *Preſton*, *William Fitz-Paulin*, and *Nich. de Preſton*, and then the Return ends thus, *Non ſunt aliquæ Civitates in Balliva mea.* There are no Cities in my Bailywick.

A In the * 4th of *Edward* the Third, in the Parlement at *Wincheſter* on the *Sunday* next before St *Gregory*, the Writ of Summons dated 25 *Januarii*, *John de Denom* Sheriff, *William de Bolleroun*, *John de Balke* Returned for *Lancaſter*, but no Burgeſſes Returned for *Preſton*, nor doth the Return *end* with, *Non ſunt alii Burgi, &c.* * Ibid. 4. Ed. 3. *Lanca-Shire.*

B In the * ſame year of the ſame King, in the Parlement at *Weſtminſter* on the *Monday* before the Feaſt of St *Katherine*, (i. e. *November* 25th.) the Writ of Summons dated 23 *Octobris*. The ſame *John de Denom* Sheriff, *Robert de Bolleroun* and *John de Ken* were Returned for *Lancaſter*; and *William Fitz-Paulin* and *Henry Haydoke* for *Preſton*, and then the Return is thus concluded, *Non ſunt alii Burgi in Balliva mea.* * Ibid. the ſame year.

C D E In the * 34th of *Edward* the Third, the Writ of Summons dated the 20th of *November*, for a Parlement to be holden at *Weſtminſter* on the *Sunday* before the Converſion of St *Paul* was directed to *Henry Duke* of *Lancaſter*, or his *Deputy*, who made this Return. *Henricus Dux Lancaſtriæ ſic reſpondet. Nomina Militum ad reſpondendum, faciendum, & conſentiendum in præſenti Parliamento prout idem Breve requirit pro Communitate dicti Ducatus, Willielmus de Radecliffe, Ricardus de Tounkay. In eodem Ducatu non eſt aliqua Civitas, nec Burgus qui ante hæc Tempora, in aliquo Parliamento reſpondit per Burgenſes. Henry* Duke of *Lancaſter* anſwereth thus. The Names of the Knights who are to anſwer, do and conſent in the preſent Parlement, for the Community of the ſaid Dukedom, as the ſame Writ requires, *William de Radcliffe*, *Richard de Tounkay*. There is not any *City* in the ſame Dukedom, nor *Burgh*, which before this time anſwered in any Parlement by *Burgeſſes*. It wants not probability, that from the 4th of *Edward* the Third, to this 34th of the ſame, there might be Thirty years intermiſſion and omiſſion of *Burgeſſes* for theſe *Burghs*, (in all that time there being no Return of *Burgeſſes* for this County,) which might be the reaſon of this Return. *Ibid. 34. Ed. 3. Lanca-Shire.*

F In the 38th of this King, the [4] Sheriff of *Lanca-Shire* after the Return of the Knights, gives the *reaſon* why *Citiſens* and *Burgeſſes* ought not, nor were wont to come, in theſe Words. *Et non ſunt aliqui Civitates ſeu Burgi infra Comitatum de quibus aliqui Cives ſeu Burgenſes ad dictum Parliamentum venire debent ſeu ſolent, propter eorum debilitatem ſeu paupertatem.* That there were not any *Cities*, or *Burghs* within that County, from which any *Citiſens* or *Burgeſſes* ought, or were wont to come to the ſaid Parlement, for, or by reaſon of their *Inability* or *Poverty*. [4] Ibid. 38. Ed. 3.

In the 39th of *Edward* the Third, the Return is [5], *Non eſt aliqua Civitas ſeu aliquod Burgum de quibus aliqui Cives ſeu Burgenſes venire poſſunt ſeu ſolent ſecundum tenorem Brevis propter eorum debilitatem & paupertatem.* There is not any *City* or any *Burgh* from [5] Ibid. 39. Ed. 3.

which any *Citiſens* or *Burgeſſes*, can or were wont to come, by reaſon of their *Low Condition* or *Poverty*. The ſame Words are in the 50th of *Edward* the Third. And the Returns of this County are cloſed after this manner with ſome ſmall variation, in the Reigns of *Edward* the Third, *Richard* the Second, *Henry* the Fourth, Fifth and Sixth, and *Edward* the Fourth, and no Burgeſſes Returned for any Town or Towns in all that time from the 33d of *Edward* the Third, which was 124 years, and how much longer it cannot well be known. A

In the 10th of *Henry* the Fourth, there was this Return made after the Knights, *&c.* [6] *Et non ſunt aliqui Cives aut Burgenſes infra dictum Comitatum Lancaſtriæ qui ad dictum Parliamentum venire* **poſſunt** *propter eorum paupertatem & debilitatem.* The ſame Return is Word for Word in the 2d of *Henry* the Fifth. [6] Ibid. 10. Hen. 4. B

In the 7th, 25th, 28th, 33d of *Henry* the Sixth. The Returns were with this ſmall Variation. [7] *Et non eſt aliqua Civitas infra Comitatum prædictum nec Burgus qui ad aliquod Parliamentum Temporibus retroactis aliquos Cives aut Burgenſes* **Mittere** *ſolebant propter eorum paupertatem & debilitatem, ideo de Civibus & Burgenſibus nulla fit mentio.* And there is not any City within the County aforeſaid, or Burgh, which uſed to ſend any *Burgeſſes* or *Citiſens*, to any Parlement in former times, by reaſon of their *Poverty* and *Inability*. Therefore no mention is made of Citiſens or Burgeſſes. [7] Ibid. 7. 25 28. 33. H. 6. *Lancaſhire.* C

In the 27th of *Henry* the Sixth. The Return after the Knights Names, is ſomewhat different from others. [8] *Et non eſt aliqua Civitas infra Comitatum prædictum nec Burgus qui ad aliquod Parliamentum temporibus retroactis aliquos Cives aut Burgenſes ſolebant* **inbenire** *propter eorum debilitatem & paupertatem, ideo, &c.* And there is not any *City* within the County aforeſaid, or *Burgh*, which in former times were wont to **find** *Citiſens* or *Burgeſſes* in any Parlement by reaſon, *&c.* [8] Ibid. 27. Hen. 6. *Lancaſhire.* D

In the 17th of *Edward* the Fourth, on the Dors of the Writ of Summons for Election of two *Knights* for the *County*, two *Citiſens* for every *City*, and two *Burgeſſes* for every *Burgh*, in the Return after the Indorſment of the *Knights* for the *County* and their *Manucaptors*, it follows. *Et quia non eſt aliqua Civitas infra Comitatum prædictum, aut Burgus qui ad aliquod Parliamentum temporibus retroactis aliquos Cives aut Burgenſes Mittere ſolebant propter eorum paupertatem & debilitatem, coram Domino Rege & Conſilio ſuo, ideo de Civibus & Burgenſibus non eſt mentio.* And becauſe there is not *any City* within the ſaid *County* or *Burgh* which in former times *ſent any Citiſens* or *Burgeſſes* to *Parlement* before the *King* and his *Council* by reaſon of their *Poverty* and *Inability*, therefore no *mention* is made of *Citiſens* and *Burgeſſes*. The ſame Words are in the Sheriffs Indenture of Return of Knights of the County annexed to the Sheriffs Precept, and the ſame Returns were in the 7th and 12th years of this King. E F

In the Seventh of *Edward* the Fourth, (who began his Reign *March* 4th *A. D.* 1461.) in the Parlement at *Weſtminſter* on the Third of *June*,

June, the * Writ of Summons dated *February* 28. in the sixth of his Reign, *Henry Barle* Sheriff of *Essex* and *Hertfordshire*, after the *Returns* of *Knights* for each *County*, and *Burgesses* only for *Colchester* and *Maldon*, adds this Clause; *Et in prædicto Comitatu Hertford non est Aliqua Civitas, nec aliquis Burgus, unde Aliqui Cives sive Burgenses, nec aliqua Civitas, neque plures Burgi in Dicto Comitatu Essex, unde plures Burgenses neque aliqui Cives Eligi possunt.* That is,

* Return. Brev. Park. 7. Ed. 4.

A

And in the foresaid County of *Hertford*, there is not any *City*, or any *Burgh* from whence any *Citisens* or *Burgesses* may be chosen. Nor is there any *City*, or more *Burghs* in the said County of *Essex*, from whence any *Citisens*, or more *Burgesses* may be chosen.

By these few *Returns* and *Instances*, of very many more which might have been produced, if needful, 'tis abundantly proved, That

The first Writs sent for the Choice of Citisens and Burgesses.

B from the 23d of *Edw.* 1. when the *First Writs* were sent forth for the *choice* of *Citisens* and *Burgesses*, and also during the Reigns of *Edw.* 2. and 3. *Rich.* 2. *Hen.* 4. 5. and 6. and *Edw.* 4. it was left to the *Discretion* and *Judgment* of the *Sheriffs*, which *Burghs* were *fit* and *able* to *send Burgesses*, and which not. And that if *antient able Burghs* became *poor* and *indigent*, and *unable* to *pay* the *Expences* of their *Burgesses*, or had none *fit* to *chuse*, it was a *just* Ground for the *Sheriff* to *excuse* them from the *trouble* and *charge* of Electing and

Sheriffs Judges of what Burghs were fit and able to send Burgesses, and what not.

C sending Burgesses, notwithstanding the Statutes 5 *Rich.* 2. *c.* 4. 1 *Hen.* 5. *c.* 1. 8 *Hen.* 6. *c.* 7. 23 *Hen.* 6. *c.* 15. And also, That the *plain Negative Returns*, of *Non sunt aliqui Civitates vel Burgi in Balliva mea*, or *Non sunt plures Civitates vel Burgi in Comitatu prædicto, &c.* are to be *explained* by those *other Returns* of *Non sunt aliquæ Civitates, vel aliqua Civitas, nec plures Burgi*, (in this, or that County) *unde Cives vel Burgenses venire facere possum*, or *unde Cives & Burgenses venire possunt, vel venire debent, vel venire solebant*,

The reason and meaning of Sheriffs Negative Returns:

D and other different Expressions before mentioned. *Propter debilitatem eorum & paupertatem.* Those *Absolute Negatives* in Terms only, being *equivalent in signification* to the other, and *import* no more, than, that those *Burghs* the *Sheriffs* did not *return*, at such times, were *poor* and *inconsiderable*, and that either they had not *fit* Persons to send, or for their *poverty* could not pay their VVages, or bear the Expences by Law due to them. And all this was done by *Virtue* of the *General Clause* in the VVrits, *De qualibet Civitate duos*

E *Cives, & de quolibet Burgo duos Burgenses, &c.* For in the *Charters* of Antient Burghs, there was no *Clause* or *Grant* for the *choice* or *sending* of *Burgesses* to *Parlement*, nor have I ever *seen* or *heard* of any *particular Directions* from the *King* and *Council*, or others, to the *Sheriffs*, for the sending their *Precepts* to *this* or *that Burgh* only, and not to others.

I shall finish the Answer to the first Question with this *Remarque*;

No Complaint made by the Burghs of Sheriffs for not sending Precepts to Elect Burgesses, &c.

F That the *Burghs* during the time of all these *Kings* Reigns, never *complained* of the *Sheriffs* for not *Returning* them *Burghs*, or not sending *Precepts* to them, or taking away their *Birth-Rights*. Nor did they *clamor* against *hard usage*, or *injustice*. Nor did the *King*, *Lords*, or *Commons* in *Parlement*, ever *blame*, *complain* of, or *question* the *Sheriffs* for *sending*, or not *sending Precepts* to this, or that *Burgh*; to all, or any of them, and making *Returns* accordingly. Nor was

it *accounted* an *Advantage*, *Honor*, or *Priviledge*, to be *bound* to *ſend Burgeſſes* to *Parlement*, but rather on the *contrary*, it was *reputed* a *Burthen* and a *grievance* for *Poor* and *Small Burghs* to ſend them, as in the Caſe of [9] **Torriton** in *Devon-Shire*, that *Petitioned* the King in *Parlement* to be *diſcharged* of *ſending Burgeſſes* to Parlement, *ſuggeſting* it was great *Trouble* and *Charge*, and to their *manifeſt Dammage* and *Depreſſion*, and their *Petition* was *Granted*, and the *Town* or *Burgh Exonerated* and *Excuſed* for ever after, notwithſtanding it had *ſent Burgeſſes* Thirty two times before. A

[9] Pat. 42. Ed. 3. part. 1. m. 8. *Torriton* in *Devon-Shire* diſcharged from ſending Burgeſſes.

The Second Queſtion, who were or ought to be the Electors in real or *pretended Burghs*, hath much exerciſed the Houſe of Commons, (ſince they have taken upon them to determine thoſe *Caſes*) and perhaps there hath ſcarcely been given a *direct* and *true Solution* of it to this day. In the 22d of King [1] *James* in a conteſt between Sir *William Maſters*, and Sir *Maurice Berkley*, upon an Election made at *Cirenceſter* in *Gloceſter-Shire*, upon the Queſtion, it was *Reſolved*, that no *conſent of Parties*, *Competitors*, *can alter the Legal courſe of Elections*. That where *no Charter* or *Cuſtom* to the contrary, the *Election* to be made by *all* the *Houſhoulders*; that Sir *William Maſters duly* Elected, that he had the greater Number of *Inhabitants* and *Freeholders*; and that where * neither *Charter* nor *Cuſtom*, nor free *Burgeſſes* in any *Borough*, there the *Election* to be made by *Houſholders*, and no only *Freeholders*. B C

[1] Commons Journal, die veneris 21 Maii 22 Jacobi. A. D. 1624.

Where no Charter or Cuſtom, how Elections to be made?
* i. e. in truth where there is not, nor can be a Burgh.

In the 4th of King [2] *Charles* the Firſt, Report made from the *Committee* of *Privileges*, (now the *Committee* of *Elections*) by Mr. *Hackwill*.

[2] Commons Journal. veneris 28 Martii 4. Car. 1. A. D. 1628.

Colcheſter, one only *Return* made by the *Bailiffs*, in which Sir *Thomas Cheek*, and Mr. *Alford* returned. That the *Bailiffs*, *Aldermen* and *Common Council*, conſiſting of Forty two in an upper Room, read the *Writ* and there *Elected* Sir *Thomas Cheek*, and Mr. *Alford*. In a *lower Room* the *Common ſort* of *Burgeſſes* in General, *Elected* Sir *Thomas Cheek*, and Sir *William Maſham*. D

Two Elections, one by the Mayor Aldermen and Common Council, the other by the common ſort of Burgeſſes.

That the Bailiffs, *&c.* made their *Preſcription*, by Election, as they now made it. Againſt this *alleged*, that till *Richard* the Firſt, no *Bailiffs*, nor then, no *Common Council*, till *Edward* the Fourth, then Sixteen appointed by a new Charter, which by Conſtitutions ſithence they have increaſed to —— E

An inſufficient preſcription.

Upon this the *Preſcription* holden *Inſufficient*, that the *Committee* is alſo of *Opinion*, that the *Election* of Sir *William Maſham* is Good, and his *Name* to be put in by the *Bailiff* inſtead of Mr. *Alford*.

Upon *Queſtion* Sir *William Maſham* duly *Elected*, and his Name by one of the *Bailiffs* was *Inſerted* at the *Board*, in *ſtead* of Mr. *Alfords*. F

[3] Commons Journ. Sabbat. 12 April. 4. Car. 1. 1628. Whether the Commons or chief Burgeſſes, Electors.

Mr. *Hackwill* [3] Reporteth from the *Committee* of *Priviledges* the Caſe of the *Burgh* of *Bridport*. The *Queſtion* whether the *Commons*, or the *two Bailiffs* and Thirteen *Capital Burgeſſes* are *Electors*. There the laſt *claiming* by *Preſcription* the ſole Power, this proved

by

by two Witneſſes for Forty Six years, *primo Jacobi* claimed it, but were denied.

A *Certificate* of *Diſclaimer* under the Hands of 80 *Commoners* offering to *juſtifie* it upon *Oath*, and affirmed they could have *proved* it by Forty *Commoners* more.

A On the other part *Records* produced the 6th of *Edw. 6.* Indenture returned the *Election* to be *per Ballivos per aſſenſum Communitatis*, 2. & 3. *Philip. & Mariæ* Election *accordeth*, 1 *Eliz. accordeth*, 1 *Jacobi accordeth*. *This* alſo proved by two Witneſſes, above 40 *Commoners* gave Voices *primo Jacobi*. Another that above 60 years ago the *Commoners* had Voice, and that he himſelf, then a *Commoner*, gave Voice. — These the very words of the Journal.

B Replyed to this, That the *Addition* of the *Commonalty*, becauſe that the *Name* of the *Corporation*, that ſo they *make* their *Leaſes*, yet the *Commoners* never meddle. — And theſe.

Exception to one of the *Witneſſes*, That he, a *Commoner*, and very aged Man, ſcarce could hear, or be heard; That the *other* have been *Diſfranchiſed*, and therefore ſpake out of ſpleen. — And theſe, and ſo to the end of this Caſe.

C Alledged for them, That *primo Jacobi* the *Commons* called, becauſe they were to *Contribute* towards Wages.

Agreed by the *Major part* of the *Committee*, That the *Commoners* had *Voice* in Election.

Reſolved alſo here *no good Election*, becauſe the *Commons* having right of Voice, had *no Warning* as they *ought* to have had.

D *Reſolved* upon the *Queſtion*, The *Commonalty in General* ought to have *Voices* in the *Elections* of the *Burgeſſes* for *Parlement*.

Upon the *Queſtion*, The *Election void* in *reſpect* of the *want* of *Warning* to the *Commonalty*.

A *new Writ* for a *new Election*.

E Mr. *Hackwill* [4] reporteth from the *Committee* of *Privileges* the Caſe of *Boſton* in *Lincolnſhire*, Mr. *Bellingham* the *Recorder*, and Mr. *Okeley* choſen. — [4] Commons Journal, *Jovis* 8 *Maii*, 4 *Car.* 1. 1626.

The *Queſtion*, Whether a *Select* Number, or the *Commonalty* were to chuſe. Sir * *Anthony Irby* choſen by *Majority* of Voices of the *Commonalty*, and 14 of the *Select* Number. — * He of my own Knowledge a Friend to the Cauſe.

F *Agreed* by the *Committee*, That the Election of Burgeſſes in *all Burroughs* did of *Common Right* belong to the *Commoners*, and that nothing could take it from them, but a *Preſcription* and a *conſtant uſage* beyond all memory. — Voted to whom the right of Election belongs in all Burghs.

1. Upon the Queſtion, the *right* of *Election* for *Burgeſſes* to ſerve in

in Parlement for *Boſton*, *reſteth* in the *Commonalty*, and *not* in the *Mayor*, *Aldermen*, and *Common Council*.

2. Upon the Queſtion, Mr. *Okely* not *duly* Elected or Returned.

3. That Sir *Anthony Irby duly Elected*, and *ought* to have been *Returned*.

4. That the *Mayor* of *Boſton* ſhall be *ſent* for, to *put out* Mr. *Okely*'s *Name*, and *put* in Sir *Anthony Irby*'s. A

[5] Commons Journ. *Sabbat. ultimo Maii*, 4 Car. 1. 1628.

Mr. *Hackwill* [5] reporteth from the *Committee* of *Privileges* the Caſe of *Warwick*. Queſtion, Whether the *Election* to be made by the *Mayor* and *Common Council*, or by the *Commons* in *general*? That a *Petition* produced *whereby* above 200 *Commoners* **Diſclaim** to have *any Right* of Election. But that *refuſed* to be *accepted* by the *Committee*, becauſe if but *one Commoner* appear to *ſue* for his *Right*, they *will* hear him.

The Caſe of *Warwick*: B

1. Upon the Queſtion, The *Right* of *Election* for the *Town* of *Warwick* belongs to the *Commonalty*.

2. That Mr. *Robert Grevill* and Mr. *Francis Lucy* **unduly** Elected.

3. A *new Writ* to iſſue for a *new Choice* in their Rooms.

By theſe *Five Inſtances* it appears how *perplext* and *conjectural* the *Opinions* of the *Committee*, and *Reſolves* of the *Houſe* of *Commons* were, concerning the *Right* of *Electing* of *Burgeſſes* to *ſerve* in *Parlement*, and the *Perſons* in whom it was *Lodged*. They *judged*, the *Communities* or *Commonalties* of *Cities* and *Burghs* to be only the *ordinary* and *lower* ſort of *Citiſens*, *Burgeſſes*, or *Freemen* in *General*. And that the *Right* of *Election* of *Burgeſſes* in *all Burghs* did of *common Right* belong to the *Commoners*, (meaning) the *ordinary* ſort of *Burgeſſes* or *Freemen*, and *not* to the *Mayor*, *Aldermen*, and *Common Council*, as in the *Caſes* of *Boſton*, *Colcheſter*, and *Warwick*, nor in the *Bayliffs* and *Capital Burgeſſes*, being a *Select Number*, as in the *Caſe* of *Bridport*. C D

[4] Ibid. Jovis 20 Martii, 3 Car. 1. 1627.

The Ground of this popular Error was, That this Committe (notwithſtanding the two *great Antiquaries* [4] Sir *Robert Cotton*, and Mr. *Selden*, and the *Oracle* of *Law* (ſo called) Sir *Edward Coke*, were Members of it) did not truly *underſtand* the *meaning* of the words *Communitates Civitatum, & Burgorum*, the *Commonalty* of *Cities* and *Burghs*; which *always ſignified* the *Mayor*, *Aldermen*, and *Common Council*, where they were to be found, or the *Steward* or *Bayliff*, and *Capital Burgeſſes*, or in ſhort the *Governing* part of *Cities* and *Towns*, by what *Perſons* ſoever they were Governed, or *Names* and *Titles* they were *called* and known, which hath been *ſufficiently evinced* by what hath been ſaid before in this Treatiſe, upon that Subject. So that, if the *Communities* of *Cities* and *Burghs* had been *truly underſtood*, the *Committee* ought to have *Determined*, and the *Houſe Reſolved*, That the *Right* of Election in very many, if not in moſt, or all Cities and Burghs, ought to have reſted in the *Governing part* of them, which is always a *Select Number*. And therefore I ſhall produce many *Inſtances* from the *Returns* of *Parlement Writs* upon *Record*, to *Confirm* this Opinion. E F

The Communities or Commonalties of Cities and Burghs are the Governing part of them.

In

In the 26th of *Edward* the First, in moſt *Counties*, *Cities* and *Burghs*, the *Knights*, *Citiſens* and *Burgeſſes* are only *named* with their *Manucaptors*, or *Sureties*, in the *Dors* of the Writ, as for Example. [5] *Nomina Duorum Militum Comitatus Hereford*, with *each* of them four *Manucaptors*, there named. *Nomina Duorum Civium Civitatis Hereford*, with *each* two *Manucaptors* or *Sureties* there named. *Nomina* A *Duorum Burgenſium de Burgo Leominſter*, with *each* two *Manucaptors*, there named. But not *ſaid* by *whom* Elected, and ſo in many others, with ſome, not very material, Variation.

[5] Return. Brev. Parl. 26. Ed. 1. The firſt Returns Extant.

Yet in ſome, the *Elections* are ſaid to be made by the *Bailiffs*, with the *aſſent* of the *Community*, or *for* the *Community* of the *Burghs*. So the choice was made for the *Town* of *Derby*. *Et Breve* [6] *iſtud returnatum fuit Willielmo Oyler, Ballivo Libertatis Villæ Derby, qui plenum Returnum Brevis habet pro duobus Burgenſibus ejuſdem Villæ, &* B *mihi Reſpondit, quod elegit aſſenſu Communitatis Totius Villæ prædictæ Magiſtrum Willielmum Broun de Derby, & Nicholaum Latimer de eadem.* And that Writ was Returned to *William le Oyler* Bailiff of *Derby*, who hath full Return of the Writ for two Burgeſſes of the ſame Town. And he Anſwers me, he hath choſen by the *aſſent* of the *Community* of the whole *Town* aforeſaid, *Maſter William Broun* of *Derby*, and *Nicholas le Latimer* of the ſame, who have two *Manucaptors* for each Returned. In like manner for the *Town* of *Nottingham*. C *Et Breve iſtud* [7] *Retornatum fuit Ballivis, &c. Qui michi Reſponderunt quod elegerunt aſſenſu Communitatis Villæ prædictæ Johan. le Fleminge de Nottingham, Adam le Fleminge de eadem*, and that Writ was Returned to the *Bailiffs* of the *Liberty* of *Nottingham*, *&c.* Who Anſwer me, that they have *choſen* by the *aſſent* of the Commonalty of the *Town* aforeſaid, *John* the *Fleming* of *Nottingham* aforeſaid, and *Adam* the *Fleming* of the ſame, who found *each* two *Sure-* D *ties* for their *Appearance* in Parlement. So two *Burgeſſes* choſen, [8] *pro Communitate Burgi Colecester*, for the *Community* of the *Burgh* of *Colcheſter*, with *four Manucaptors* or *Sureties* each, likewiſe, [9] *Johannes de Weſtreet de Hertford Simon Walle de eadem, electi ſunt duo Burgenſes per Communitatem Burgenſium Hertford, &c.* And gave *Security* for their Appearance by *four Manucaptors* each.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

Accordingly two Burgeſſes were Elected for the *Community* of E the *Burgh* of *Newcaſtle upon Tine*, with their *Names*, and *Manucaptors* Names in a *Schedule*. *Nomina* [1] *Burgenſium pro Communitate Burgi Novi Caſtri ſuper Tinam, ſunt in Cedula huic Brevi Annexâ.*

[1] Ibid.

Boſton.

In the 27th of *Edward* the Third, that King directed his Writ to the *Bailiffs* of the Town of *Boſton* in *Lincoln-Shire*. *Edwardus* [2] *Dei Gratia, &c. Ballivis Villæ de Sancto Botolpho, &c.* And then after the Introduction to, and Cauſes of the Precept itſelf, which F follows in theſe Words, *Vobis præcipimus firmiter injungentes quod duos Burgenſes de proviſioribus, & diſcretioribus, & magis expertis Burgenſibus Villæ prædictæ, de aſſenſu ejuſdem Villæ ſine dilatione eligi, & eos ad Diem & Locum prædictos venire faciatis, ita quod iidem Burgenſes pro ſe & Communitate Villæ prædictæ ſufficientem poteſtatem habent, ad Tractandum, Conſulendum, & Conſentiendum his quæ tunc Divina favente Clementia de Communi Conſilio contigerit Ordinari, &c.*

[2] Return. Brev. Parl. 27 Ed. 3.

* We

We command, firmly injoyning you, that without delay you cauſe to be choſen two Burgeſſes, of the more Grave, *Diſcreet* and *Experienced Burgeſſes* of the Town aforeſaid, by the *aſſent* of the ſame Town. So that the ſame *Burgeſſes* may have ſufficient Power for themſelves and the *Community* of the *Town* aforeſaid to *Treat*, *Conſult* of and *Conſent* to thoſe things, which, Divine Clemency favoring, ſhall happen to be ordained by common advice, *&c.*

A

[3] Ibid. The Return in the Dors of the Writ was anſwerable to the Words of the Precept of this Writ. *Reſpons.* [3] *Johannis de Morys, & Ricardi de Rede Ballivorum Villæ de Sancto Botolpho.*

Manucaptores Johannis de Skirbek de Sancto Botolpho unius Burgenſium Villæ de Sancto Botolpho, de aſſenſu ejuſdem Villæ electi ad Tractandum, Conſulendum, & Conſentiendum ſecundum Tenorem hujus Brevis.

B

Thomas de Tumby de Sancto Botolpho.
Johannes de Gosberkirk de eadem.

Manucaptors or Sureties of *John de Skirbek* of *Boſton*, one of the *Burgeſſes* of *Boſton*, *choſen* by *aſſent* of the ſame *Town*, to *Treat*, *Conſult* and *Conſent* according to the *Tenor* of this Writ.

Thomas de Tumby of *Boſton*,
John de Gosberkirk of the ſame.

C

The ſame Return, and in the ſame Words, is for *William Bayard*, the other *Burgeſs* with two Manucaptors. This *Town* of *Boſton* never Elected, or Returned any *Burgeſſes* during the Reſidue of this Kings *Reign*, nor in the *Reigns* of *Richard* the Second, *Henry* the Fourth, Fifth, Sixth, and *Edward* the Fourth.

D

Briſtol. [4] Ibid. In the Writ directed to the *Mayor* and *Bailiffs* of *Briſtol* to chooſe *Burgeſſes* for the ſame Great Council, the Precept is the ſame. [4] *Vobis præcipimus firmiter injungentes, quod duos Burgenſes de provectioribus, & diſcretioribus & magis expertis Burgenſibus Villæ prædictæ de aſſenſu ejuſdem Villæ ſine dilatione eligi, & eos ad diem & locum prædictos venire faciatis. Ita quod iidem Burgenſes pro ſe & Communitate Villæ prædictæ ſufficientem poteſtatem habent, &c.* As in the former Writ for *Boſton*.

E

[5] Ibid. in Cedula. To the Precept of this Writ, the following Return was made. [5] *Virtute Brevis Domini Regis præſentibus annexi, nos Major & Ballivi Villæ Briſtol, de aſſenſu Communitatis Villæ prædictæ eligi fecimus Thomam Babbecary, & Willielmum Coumbe de eſſendo ad diem & locum infra Breve contentos ad faciendum quod ex parte Domini Regis eis tunc ibidem injungetur.* That is,

F

By Virtue of the Kings Writ annexed to theſe Preſents, we the *Mayor* and *Bailiffs* of the Town of *Briſtol*, by *aſſent* of the *Community* of the *Town* aforeſaid, have cauſed *Thomas Babbecary* and *William Coumbe* to be choſen, to be at the *time* and *place* contained in the Writ, to do what on the behalf of the Lord the King, ſhall then, and there be injoyned them.

It appears by this Writ and Return, that the words *Aſſenſus Villæ*, and *Aſſenſus Communitatis Villæ*, ſignified the ſame thing; and that as the *Community* of the *Town*, ſo the *Town* itſelf, *Government* of the *Town*, and *Body Politique* were, and did *conſiſt* of a *ſelect* Number.

Exceſter.

The words of the Writ directed to the *Mayor* and *Bailiffs* of *Exceſter* for the choice of *Burgeſſes* for this Great Council, are the ſame with thoſe of *Boſton* and *Briſtol*, [6] *Vobis præcipimus firmiter injungentes quod Duos Burgenſes de Provectioribus, Diſcretioribus, & magis Expertis Burgenſibus Civitatis prædictæ, de aſſenſu ejuſdem Civitatis ſine Dilatione Eligi, &c. Ita quod iidem Burgenſes pro ſe & Communitate Civitatis, &c. ſufficientem poteſtatem habent, &c.* The Return was, as hereunder written.

[6] Ibid.

Roberti de Brideport [7] *Manucaptores* { *Johannes Spicer.* / *Willielmus Wike.* }

[7] Ibid. in Dorſo Brevis.

Roberti de Hugheton Manucaptores { *Willielmus Sleght.* / *Richard Oliver.* }

Reſponſio [8] *Roberti de Brideport Majoris Civitatis Exon. & Ricardi Oliver & Thomæ Spicer Ballivorum ejuſdem Civitatis, ac Communitatis Civitatis prædictæ, talis eſt. Quod ipſi eligerunt prædictos Robertum de Brideport, & Robertum de Hugheton Burgenſes dictæ Civitatis, ad faciendum ſecundum Tenorem iſtius Brevis.* In Engliſh thus:

[8] Ibid.

The Anſwer of *Robert de Brideport Mayor* of the *City* of *Exon*, and *Richard Oliver* and *Thomas Spicer Bailiffs* of the ſame City, and the *Community* of the City aforeſaid, is ſuch; That they have choſen the foreſaid *Robert de Brideport*, and *Robert de Hugheton Burgeſſes* of the ſaid City, to do according to the *Tenor* of the Writ.

The words of this Return do *illuſtrate* the words of the former, and make it moſt evident, That the Aſſent of the *Mayor*, *Bailiffs*, and *Community* of the City of *Exon*, which was the *Government* of it, was the *Aſſent* of the *City* itſelf.

The *form* and *words* of the Writ for the *choice* of *Citiſens* for the ſame Great Council, directed to the Mayor and Sheriffs of the City of *London*, are the ſame. [9] *Vobis præcipimus, &c. Quod duos Cives, &c. de aſſenſu ejuſdem Civitatis ſine Dilatione eligi, &c.* The Return was as follows.

[9] Ibid. *London.*

Eligi [1] *fecimus Thomam Leggy & Thomam Dolſeley duos Cives Civitatis London de aſſenſu ejuſdem Civitatis ad intereſſendum coram vobis in inſtanti Conſilio ſufficientem poteſtatem pro ſe & Communitate Civitatis prædictæ habentes ad Tractandum, Conſulendum, & Conſentidum his, quæ, Divina favente Clementia, de Communi Conſilio tunc contigerit Ordinari.*

[1] Ibid. in Dorſo Brevis.

Et prædictus Thomas Leggy attachiatus eſt per Radulphum de Cauntebrigge, & Johannem Herewardſtoke.

Et prædictus Thomas Dolſeley attachiatus eſt per Thomam Wilchir, & Rogerum de Reygate.

Reſponſio Adæ Franceys Majoris, & Johannis de Stodeye, & Johannis Pecche Vicecomitum. The Return is thus made Engliſh:

We have cauſed to be choſen *Thomas Leggy* and *Thomas Dolſeley*, two Citiſens of the City of *London*, by Aſſent of the ſame City, to appear before you in the Council next to be holden, having ſufficient Power for themſelves, and the Community of the foreſaid City, to Treat, Conſult, and Conſent to thoſe Things which by Divine Clemency ſhall happen to be Ordained by Common Advice. A

The foreſaid *Thomas Leggy* hath given Security for his being in Parlement by *John de Cauntebrigge*, and *John Herewardſtoke*.

And the foreſaid *Thomas Dolſeley* hath done the ſame, by *Thomas Wilchir*, and *Roger de Reygate*.

The Anſwer of *Adam Franceys Mayor*, and *John de Stodeye*, and *John Pecche Sheriffs*. B

What is here meant, by the *Aſſent* of the *City*, and the Power they had to Treat for themſelves, and *Community* of it, and what the *Community* itſelf was, hath been cleared by what hath been obſerved upon the Returns of *Briſtol* and *Exon*; and is confirmed by the following Record beyond all Contradiction.

C

Retorn. Parl. 12 Ed. 2. *London.*

Excellentiſſimo Principi & Domino ſuo cariſſimo Domino Edwardo Dei Gratia Illuſtriſſimo Regi Anglie Domino Hibernie & Duci Aquitanie Johannes de Wengrave Major Civitatis London. Aldermanni, Vicecomites, & tota Communitas *ejuſdem Civitatis, ſe & ſua. Noverint Excellentia veſtra nos aſſignaſſe dilectos Concives noſtros Johannem de Cherleton, Willielmum de Flete & Rogerum le Palmere vel* duos *eorum, ac* eiſdem *vel* duobus *eorum* plenam *&* ſufficientem poteſtatem *dediſſe per preſentes ad faciendum in hoc inſtanti* Parliamento *veſtro à die Sancti* Michaelis *ultimo preterito in tres ſeptimanas apud* Ebor. *quod de Communi Conſilio ordinabitur in Parliamento predicto juxta formam Brevis veſtri nuper nobis inde directi. In cujus rei teſtimonium has literas noſtras eiſdem fieri fecimus Patentes. Sigillo* Communitatis noſtre *predicte ſignatas. Dat. London. Sextodecimo die Octobris, Anno Regni veſtri duodecimo.* D

To the moſt Excellent Prince, and their moſt Dear Lord, the Lord *Edward* by the Grace of God the moſt Illuſtrious King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, *John de Wengrave Mayor* of the City of *London*, the Aldermen, Sheriffs, and the whole *Community* of the ſame City, Themſelves and Theirs. Your *Excellency* may know we have *aſſigned* our beloved Fellow-Citiſens *John de Cherleton*, *William de Flete*, and *Roger le Palmere*, or *two* of them, and have given to them, or *two* of them, full and ſufficient Power by theſe Preſents, to do in this your inſtant Parlement, to be *holden* at *York* three weeks after *Michaelmas*, what ſhall be *Ordained* in the foreſaid *Parlement* by Common Advice, according to the form of your Writ lately to us directed. In witneſs whereof we have made theſe our Letters Patents, to be ſealed with the Seal of *our Community* or *Commonalty* aforeſaid. Dated at *London* the 16th day of *October*, in the 12th year of your Reign. E F

There

There can be no doubt, but what was *called* the City in the preceding Record, was the *ſame* with the *Mayor*, *Aldermen*, *Sheriffs*, and *whole Community* or *Commonalty* in this Record.

The Writ upon which this Return was made, was dated at *Nottingham*, *Auguſt* 25th, and directed only to the *Sheriffs* of *London*, A not to the *Mayor*, *Aldermen*, *Sheriffs* and *Community*, as the Return inſinuates, and the *Precept* was only to chooſe *two Citiſens*, though there are three *Returned* as choſen.

Edwardus Dei Gratia Rex Angliæ, &c. Vicecomitibus London, Salutem. Quia pro diverſis & arduis negotiis nos & ſtatum Regni noſtri ſpecialiter tangentibus Parliamentum noſtrum apud Eborum a Die Sancti Michaelis proximo futuro in tres ſeptimanas tenere ac cum præ- B *latis, &c. Vobis præcipimus firmiter injungentes quod de Civitate noſtra prædicta duos Cives de diſcretioribus, &c. Teſte meipſo apud Nottingham* 25 *Die Auguſti. Anno Regni noſtri duodecimo.*

Per ipſum Regem & Conſilium.

Retorn. Brev. Parl. 12 Ed. 2.

York.

In the Second of King *Henry* the Fifth, the *Mayor* of *York* and thirteen more *Concives*, Fellow-Citiſens named in the Return, *Ple-* C *nam poteſtatem de tota Communitate Civitatis habentes, eligerunt duos Cives jdoneos, &c.* Having full power from the *whole Community* of the City, choſe two fit Citiſens, *&c.* In Witneſs whereof they put their particular Seals to the Indenture of Return.

See the Returns of Parlement Writs for theſe years.

Derby.

In the *Indenture* of *Return* for the Town of *Derby* in the Twelfth of *Henry* the Fourth, after *Six* of the *Electors* Names, which were of the *Community*, it follows, *& per Multos alios de Communitate prædicti Burgi Derby, qui in Curia Burgi interfuerunt Electi ſunt duo* D *Burgenſes*, and by many others of the *Community* of the *Burgh* of *Derby*, which were preſent in the *Court* of the *Burgh*, two *Burgeſſes* were Elected, *&c.*

Pryn's Brevia Parl. Rediviva. p. 267.

Ipſwich.

In the Second of *Edward* the Third, for the Parlement at *York*, *Bailiffs & Communaltie de la Ville de Geppewic de noſtre Commun aſſent avons Eluz. nous Comburgois Geffrei Stacy & Chriſtophre Del Bois de* E *Eſtre pur noſtre dit Ville al Parlement avaundite, &c.* The Bailiffs and Communalty of *Ipſwich*, by our Common aſſent have choſen of our Fellow Burgeſſes, *Geofry Stacy* and *Chriſtopher Del Bois*, to be for our ſaid Town at the Parlement aforeſaid.

Not to be found amongſt the Returns of this year.

Oxford.

In the Second of *Henry* the Fifth, the Mayor, Aldermen, Bailiffs and *whole Community* of the *Burgeſſes* of the Town of *Oxford*, choſe *Burgeſſes* for the Parlement at *Weſtminſter*. *Omnibus ad quos præſen-* F *tes literæ pervenerint, Major, Aldermani Ballivi & Tota Communitas Burgenſium Villæ Oxon. Salutem, &c. Sciatis nos unanimi aſſenſu & conſenſu noſtris, &c. Elegiſſe dilectos Comburgenſes noſtros Johannem Merſton, & Thomam Coventry eſſendum ad Parlementum, &c. In cujus rei Teſtimonium præſentibus Sigillum noſtrum Commune appoſuimus Dat. in Gihala Villæ prædictæ, &c.* 2 *Regis Hen. quinti.*

Oxford. In the Twenty fifth of *Henry* the Sixth, for a Parlement to be holden at *Cambridge*, *Johannes North Major Villæ Oxon. & Johannes Barton, & Thomas Wymond Ballivi ac tota Communitas dictæ Villæ eligerunt Thomam Dagfield & Robertum Watford Comburgenſes ſuos, perſonas idoneos & diſcretos ad comparendum, &c. John North* Mayor of the *Town* of *Oxford*, and *John Barton* and *Thomas Wymond*, and the *whole Community* of the ſaid Town choſe *Thomas Dagfield* and *Robert Watford* their Fellow-Burgeſſes, fit and diſcreet Perſons to appear, *&c. In cujus rei Teſtimonium hiis Indenturis tam Sigillum Dictorum Majoris Ballivorum & dictæ Communitatis, quam Sigillum Officii Vicecomitis Oxon. eſt appenſum.* A

The later Return explains the former, and ſhews that the *Communitas Burgenſium Villæ*, and **Communitas** *Villæ*, was the ſame. B

Oxford. In the Seventh of *Edward* the Fourth, the Return was thus, *Præſens Billa indentata facta, &c. Teſtatur quod Richardus Buſtrad & Thomas Halman Ballivi Burgi Oxon, & Comburgenſes Burgi prædicti ex unanimi aſſenſu & conſenſu eligerunt Willielmum Bedſton & Willielmum Dayvile Burgenſes eſſendi ad Parlementum, &c.* The preſent Bill indented made, *&c.* Witneſſeth that *Richard Burſtrad* and *Thomas Halman* Bailiffs of the Burgh of *Oxford*, and their *Fellow-Burgeſſes* of the ſaid *Burgh*, by one *aſſent* and *conſent* choſe *William Bedſton* and *William Dayvile Burgeſſes* to be at the Parlement, *&c. In cujus rei Teſtimonium* **Commune** *Sigillum appoſuerunt, &c.* In Witneſs whereof they put to the Common Seal, *&c.* C

Bailiffs and *Fellow-Burgeſſes* the ſame with *Bailiffs*, and *Community* or *Commonalty.*

It is not to be otherwiſe thought, but the *Bailiffs* and *Fellow-Burgeſſes* were the ſame perſons in this Return, with the *Bailiffs* and *Community* of the *Town* of *Oxford* in the others, and that the Election was now made as formerly, notwithſtanding the different *expreſſions*, and *Clerkſhip* of the Return; and that theſe *Comburgenſes*, Fellow Burgeſſes, were of the *ſame Rank* and *Order*, with the *Mayor, Bailiffs* and *Aldermen*, before they had been choſen and promoted by, and out of their *Fellow Burgeſſes*, and were not of the moſt *ordinary* and *poor ſort* of *Burgeſſes* or *Freemen*, who never were *ordinarily* or *regularly* of the *Community* or *Common Council* of any *Town* or *Burgh.* D

To confirm what hath been laſt ſaid, I ſhall produce the *Returns* of *Wallingford* in the Eleventh of *Henry* the Fourth, and Fifth of *Henry* the Fifth. E

Retorn. Brev. Parl. 11 Hen. 4. In *Pryn's* Brev. Parlementar. Rediviva, p. 288. *Wallingford.*

Viſo Breve Domini Regis nos Johannes Derby Major Burgi Wallingford, & omnes ejuſdem Burgi Comburgenſes, Scrutinio veritatis eligimus, & ordinavimus Johannem Cotterel, & Willielmum Cotterel, noſtros Burgenſes in peritia abiles, & honeſtos procuratores ad Weſtmonaſterium ad Parlementum Domini Regis, ipſis conferentes noſtram plenariam poteſtatem ad Omnia & Singula ibidem legalia facienda, & in Teſtimonium Ordinationis & Electionis præfatarum, nos ante dicti Major, & præfati Burgi Comburgenſes huic Indenturæ ſecundum dicti Brevis exigentiam Sigilla noſtra appoſuimus. Sicut patet in Scriptura inferius nominatim. F

*

Johannes

Johannes Derby, Willielmus Arnegat, Thomas Swallwyke, Rogerus Baker, Willielmus Morgan, Johannes Culham, Willielmus Eſſex, Johannes Payable, Robertus Colſill, Galfridus Littell, Johannes Breewood, Robertus Deſſont, Johannes Hert. The Engliſh of which runs thus:

Having ſeen the Kings Writ, we *John Derby, Mayor* of the *Burgh* of *Wallingford*, and all the *Fellow-Burgeſſes* of the ſame *Burgh*, have
A by true *ſcrutiny* choſen and appointed *John Cotterell* and *William Cotterell*, our skilful *Burgeſſes*, and honeſt *Procurators* in the *Parlement* of the Lord the King at *Weſtminſter*, *conferring* upon them our *full Power*, to do there all and ſingular Legal Things; And in witneſs of the *Appointment* and *Ordination* aforeſaid, we the foreſaid *Mayor* and *Fellow-Burgeſſes* of the foreſaid *Burgh*, according to the *Exigency* or *Command* of the ſaid *Writ*, have put to our *Seals* to this Indenture, as it doth appear here underwritten Name by Name.

B *John Derby, William Arnegat, Thomas Swallwyke, Roger Baker, William Morgan, John Culham, William Eſſex, John Payable, Robert Colſill, Geofrey Little, John Breewood, Robert Deſſont, John Hert.* We ſee here the *Omnes Comburgenſes ejuſdem Burgi*, all the Fellow-Burgeſſes of the Burgh of *Wallingford* were then but Twelve, and it may eaſily be believed, That no Man can think, but that theſe Twelve, with the Mayor, were the Community, or Governing part
C of the Town, or at leaſt the more part of it.

The other Return in the 5th of *Hen.* the 5th, runs thus: *Viſo Breve Domini Regis nos Johannes Derby, Willielmus Arnyat, Johannes Chalmer, Galfridus Little, Thomas Swalewit, Ricardus Algate, Johannes Denby, cum aſſenſu & conſenſu omnium Comburgenſium noſtrorum, Elegimus & Ordinavimus Johannem Cotterel, & Johannem Derby, noſtros Comburgenſes perrecturos ad Parlementum Domini Regis ad certum diem*
D *& locum in Breve contentos. Ad quam Ordinationem & Electionem, illi qui ejuſmodi Electioni interfuerunt ſigilla ſua appoſuerunt.* *Wallingford*, ibid.

Having ſeen the Writ of our Lord the King, we *John Derby, William Arnegat, John Chalym, Geofrey Little, Thomas Swalewit, Richard Algate, John Benby*, with the *conſent* and *aſſent* of all our Fellow-*Burgeſſes*, have choſen and appointed *John Cotterel* and *John Derby*, our Fellow-Burgeſſes, to go to the Parlement of our Lord the King, at the day and place conteined in the Writ. To which Election and
E Appointment, thoſe which were preſent at the Election put to their Seals.

By this ſecond Election it is manifeſt, That the *Fellow-Burgeſſes*, or the *abſent our Fellow-Burgeſſes*, were *equal* in their ordinary Quality to *John Derby*, who was, or had been then *Mayor* of the *Town*, and to *William Arnegat*, and others, who doubtleſs were Aldermen or chief Burgeſſes of the ſame, and not Burgeſſes of the lower Rank.

F In the *Return* of the Writ for *Wallingford* in the 7th of *Edward* the Fourth, 'tis thus: *Hæc Billa Indentata, &c. Teſtatur quod Henricus Glaſyer, & Johan. Medowys Ballivi Burgi de Wallingford & Comburgenſes Burgi prædicti ex unanimi aſſenſu & conſenſu eligerunt Johannem Colynggrugge & Robertum Hoptoik Burgenſes eſſendi ad Parlementum Domini Regis, &c. In cujus Rei Teſtimonium* Sigillum Commune *appoſuerunt.* *Wallingford.*

Here

Here in this indented Bill of Return 'tis ſaid the Bailiffs of the Burgh of *Wallingford* and the Fellow-Burgeſſes made the Election, in witneſs whereof they put the *Common Seal* of the *Burgh* to this Bill; whereas in the former every one ſet his particular *Seal* to the Returns. Now who they were that had the diſpoſal, ordering, and directing of the uſe of the Common Seal of any *Burgh*, ſee hereafter in the Obſervations upon the Return for *Windſor*, in the ſame 7th year of this King. A

Helſton. In the Return of *Helſton* in *Cornwal*, in the 7th of *Edward* the Fourth, the words are theſe: *Hæc Indentura facta apud Helſton-Burgh, &c. inter Johannem Colſhill Militem Vicecomitem, &c. ex parte una, & Ricardum Lanargh Majorem Burgi prædicti, Johannem Emmont, & Johannem Harry Ricchowe, Ballivos ejuſdem Burgi & Henricum Gellyot, & omnes alios Comburgenſes ſuos Burgi prædicti ex parte altera Teſtatur. Quod iidem Ricardus, Johannes Emmont, Ricardus Harry Ricchove, Henricus, & omnes alii Comburgenſes ſui unanimi aſſenſu & conſenſu, &c. Eligerunt Edwardum Gower & Willielmum Stavely, &c.* B

This Indenture made at *Helſton-Burgh*, &c. between *John Colſhill* Knight, Sheriff, *&c.* on the one part, and *Richard Lanargh, Mayor* of the *Burgh* aforeſaid, *John Emmont*, and *John Harry Ricchowe, Bailiffs* of the ſame *Burgh*, and *Henry Gellyot*, and all other **their** *Fellow-Burgeſſes* of the *Burgh* aforeſaid, on the other part, witneſſeth, That the ſame *Richard, John Emmont, Richard Harry Ricchowe, Henry, and all other* **their** *Fellow-Burgeſſes*, by their unanimous aſſent and conſent, *&c.* choſe *Edward Gower* and *William Stavely*, &c. C

Here the *Comburgenſes*, or *Fellow-Burgeſſes* of this Town, were in their ordinary *value* and *eſteem*, Equals to the *Mayor* and *Bailiffs*, as being **their** *Fellow-Burgeſſes*; ſo that 'tis not hard to believe they were the *Community*, or *Governing part* of the *Burgh*. D

Windſor. In the 25th of *Henry* the Sixth, the *Return* for *Windſor* was thus: *Hæc Indentura facta*, &c. *Teſtatur quod Major & Communitas Burgenſium Burgi de Nova Windſore eligimus & nominavimus de Communi Conſilio noſtro Rogerum Faſnam, & Rogerum Schermn dicti Burgi Burgenſes ad comparendum, &c. In quorum Teſtimonium Sigillum Commune omnium & ſingulorum Burgenſium, & Communitatis prædictæ* habentium Electionem intereſſentium præſentibus eſt appenſum. Dat. apud Windſore, &c. præſentibus Johanne Avelyn Majore Burgi prædicti, Willielmo Scherman, Willielmo Trowe, Rogero Weyte, Johanne Notewey Ballivis, Johanne Bethewood, Thoma Swan, Johanne Ruvelond, Thoma Pers, Ricardo Bernard, Conſtabulariis & aliis.* E

* In the Record 'tis *habemus Electionem.*

Here we find the Parlement *Burgeſſes* of *New Windſor* choſen by the *Mayor* and *Community* of the *Burgeſſes* of that *Burgh*. In witneſs whereof, the *Common Seal* of *all* and *ſingular Burgeſſes*, and of the *Community* aforeſaid, which had *Voices* in the *Election*, was affixed to the *Indenture*. Dated, *&c.* in the preſence of *John Avelin* Mayor, *William Scherman*, *Willidm Trowe*, *Roger Weyte*, and *John Norewaye* Bailiffs, *John Bethewood*, *Thomas Swan*, *John Ruvelond*, *Thomas Pers*, *Richard Bernard* Conſtables, and others. F

*

But

But in the Seventh of *Edward* the Fourth, about Twenty four years afterward, the Return is much different, *Præsens Billa indentata facta, &c. Testatur quod Johannes Scot, & Willielmus Kemsale Ballivi Burgi de Windsore, & Comburgenses Burgi prædicti eligerunt Willielmum Evinton & Henricum Franceys Burgenses essendi ad Parlementum, &c. In cujus rei Testimonium Sigillum Commune apposuerunt, id est, Ballivi, & Comburgenses, Sigillum apposuerunt.* *Windsore.*

A

The *Communitas Burgensium*, in the former Return, and the *Comburgenses* in the *later* were the *same Body* of *Men*; that is, those with the *chief Officers* made the *governing part* of the *Burgh*, who in most, if not all, *Corporations* have the *Common Seal* at their disposing, and by their only consent, it is to be affixed to any Writing. See the Returns for *Oxford*, in the Second of *Henry* the Fifth, and 25th of *Henry* the Sixth, here *before mentioned*, for the clearing of this

B matter.

In the same 25th of *Henry* the Sixth, the Return was the same for *Reding*. *Hæc Indentura, &c. Testatur, quod nos Major & Communitas Burgi de Redynge ordinavimus eligimus, & nominavimus de Communi Consilio nostro Simon Kent & David Gower dicti Burgi Burgenses ad comparendum, &c. In quorum Testimonium Sigillum Commune omnium & singulorum Burgensium & Communitatis prædictæ * habentium* C *Electionem interessentium præsentibus est appensum. Dat. apud Reding, &c. Præsentibus Johanne Sawyer Majore Burgi prædicti, Roberto Morys, Willielmo Stapper, Willielmo Stapper, Edwardo Linacre, Johanne West, Thoma Goldoure Constabulariis Ricardo Farle, Bartholom. At More Ballivis, & aliis.* *Reding.*

* In the Record 'tis, *Habemus Electionem.*

So in the same 7th year of *Edward* the 4th, the words of the Return were the same, except the Names. *Præsens Billa indentata, &c. Testatur* D *quod Willielmus Bluet & Johannes Brode Ballivi Burgi de Reddinge & Comburgenses Burgi prædicti ex unanimi assensu & consensu eligerunt Johannem Bukke & Johannem Upston Burgenses essendi ad Parlementum Domini Regis, &c. In cujus Rei Testimonium sigillum commune præsentibus apposuerunt.* There needs no other Observation here, than what was made upon the foregoing Returns for *Windsor* in the same years. *Reding.*

The Return for *Len* in *Norff.* Seventh of *Edward* the Fourth was, E *Major & Communitas eligerunt Henricum Bermingham & Willielmum Pilton Burgenses Villæ sive Burgi Len, &c.* In the Twelfth of *Edward* the Fourth, it was the same, in the 17th, it was *Major & Burgenses pro se, & Communitate eligerunt, &c.* *Len.*

So for Great *Yarmouth* in that County, for the same year. *Ballivi & Communitas Villæ Magnæ Jenemuthe eligerunt Johan. Russ, & Johan. Tymperley ad Essendi ad Parlementum, &c.* In the 12th of F this King it was, *Ballivi de Communi assensu Villæ eligerunt, &c.* In the 17th of the same King it was, *Ballivi & Communitas unanimi assensu eligerunt, &c.* The meaning and intent of the Returns was the same. *Yarmouth.*

In the 12th of *Edward* the Fourth, *Major & Communitas unanimi assensu & consensu eligerunt Johannem Beynton & Willielmum Abury* *Wells.*

Cives

Cives Civitatis Wellenſis ad intereſſend. in proximo Parlemento apud Weſtminſt. &c. As by the Return for *Wells* in *Sommerſet-Shire*, for that year appears and the like Return changing the Names is in the 17th year of that King.

Bridport. In the *Return* for *Brideport* 17th of *Edward* the Fourth. *Ballivi & Burgenſes de Brideport per aſſenſum & conſenſum totius Burgi Communitatis eligerunt Thomam Neburgh & Robertum Hill duos Burgenſes, &c.* A

Colcheſter. In the Seventh of *Edward* the Fourth, only five Burgeſſes of *Colcheſter*, named in the Return, chooſe two Burgeſſes, *William Forde* and *John Boteler* in the *County-Court* holden at *Chelmsford* for the *Parlement* mentioned in the Writ, *&c.*

In the 12th and 17th of that King, the Returns were thus, *Ballivi Burgi Colcheſter, &c. Eligi fecerunt per majorem partem Burgenſium magis ſufficientium Johan. Wright & Johan. Boteler. Eſſend. pro Burgo illo ad Parlementum, &c.* B

Warwick. In the Seventh of that King *John Herthull Eſq*; *John Fiſher* of *Warwick*, and only Ten more Named in the *Indenture* of Return, did in the *County-Court* holden at *Warwick*, on the *Monday* next before *Whitſunday, chooſe Edward Durant* and *Benedict Lee, Burgeſſes pro Burgo Villæ Warwick*, to which Indenture the *Sheriff* on one part and all the twelve Electors on the other part put to their Seals. C

'Tis not ſaid in the Return of what *quality* any of theſe *Electors* were, whether *Mayor*, *Bailiffs* or what others, yet it cannot be doubted, but they were of the *beſt* and moſt *ſubſtantial* Burgeſſes, and were at leaſt part of, if not the *whole Community*, or *Government* of the Town. D

In the 12th and 17th years of that King, the Burgeſſes were alſo choſen in the County Court, but not ſaid how, or by whom, for their Names are only Indorſed on the Writ, with their Manucaptors, and likewiſe only mentioned in the Indenture of Return for the County. Yet, by a paralel Return, we may make a more than probable Conjecture, they were *choſen* by the chief *Magiſtrate*, or *Magiſtrates*, and the *Community* of the Town. E

Lincoln. For in the 15th of *Edward* the Second, after the Knights of the Shire Indorſed on the Kings Writ of Summons, the Citiſens of *Lincoln* follow in the ſame method with their Manucaptors, and in the ſame Form here underwritten.

Manucaptores Henrici de Hakethorn, unius Civium Civitatis Lincoln. F

Johannes Fowler de Lincoln.
Adam del Marrays de eadem.

Manucaptores Thomæ Gamel, alterius Civium Civitatis de Lincoln.
Philippus Millays de Lincoln.
Rogerus Ingloys de eadem.

The

The like Returns are in the Dors of the Writ for *Grimsby* and *Stanford*, and then it follows, *Et non plures Civitates seu Burgi in Comitatu Lincoln*, *Boston* and *Grantham* being omitted. *Grimsby* and *Stanford.*

Here is only a bare Return of the *Names* of the Citisens of the City of *Lincoln*, with their Sureties, who were to be at the Parlement to be holden at *York*, three Weeks after *Easter*, without any mention,
A how, or by whom chosen. Yet, by the Petition, Certificate, or Return following, which is now *sewed* to the Kings Writ, directed to the *Sheriff* of *Lincoln-Shire*, it appears they were *Elected* by the *Mayor* and *Communalty* of the *City* of *Lincoln.*

A tres Noble Home & Sage Sire William de Eyrminne Meire & la Comminalty de Nicole, quant quit devent & poent, D'onors & Reverences, pur ceo Sire, qui nous avons Estutz, Henry de Hakethorn, & Thomas Gamel nos Conciteyns,
B *de venir au Parlement nostre Seigneur le Roi, par la citee de Nicole selonc le purport le Brief le dyt nostre Seigneur le Roi, & ore le dyt Thomas ne se Deggne venir pur riens que nous savoms faire, pur quoy Sire nous avoms* Ellutz Alayn *de* Hodelston *en le leiu le dyt Thomas, a faire & assentir pur la Dite Citee solonc le tenure le dyt Breif, & vous Prioms Cher Sire, Sil vous plest, que le dit Hen. Et Alayn voilets Resceivire pur la Citee avant Dite. En Tesmoygnance de quelque chose a cestrez præsents avoms Mis le Seal*
C *de nostre Meiretee. Don a Nicole le Seconde jour ae May lan du Reign nostre Seigneur le Roi Edward que oreſt qui Dieu Garde. Quinszime.*

Besides, that 'tis manifest from this *Certificate* and *Return*, that the *Mayor* and *Commonalty* of the *City* of *Lincoln*, Elected these two *Citisens* to represent them in Parlement; there are several other things may be observed from it: As First, that *Thomas Gamel* one of the Citisens, though he had two *Manucaptors* Returned with him
D on the Dors of the Writ, yet would not go to the Parlement, for any thing the *Mayor* and *Commonalty* of the *City* knew what to do. Secondly, that they without any *other*, or *new* Writ, after his Name was *Returned* to the *Sheriff*, and by him *Indorsed* on the Writ, and *Returned* with two *Manucaptors* for his Appearance at the Day and place appointed for the Parlement, *Elected* another Citisen, *Alayn de Hodelston* in his place, and desired Sir *William Eyrminne*, (then *Master* of the *Rolls*, and *Keeper* of the *Seal*, in the absence or time of
E indisposition of *John Bishop* of *Norwich*, then Lord *Chancellor*,) that he being thus Elected by them, according to the *Form* of the *First* Writ of the King, might be received with the other Citisen *Henry de Hakethorn*, first Elected with *Gamel*, as *Citisen* for this *Parlement*, upon the *Mayors Seal* of *Office* affixed to this Certificate. Thirdly, if *Hodelston sate*, as in all probability he did, there could not then be such *fine Niceties* and *Punctilioes* in the *Return* of *Parlement Writs*, as at this present.

F How *Cirencester* in *Glocester-Shire* came to send Burgesses, 22 *Jacobi*, I know not, it sent None before that time that I can find.

In the *Return* for the City of *Rochester*, in the 17th of *Edward* the Fourth, the Words were very General, and these following. *Hæc Indentura facta apud Rochester, &c. Testatur quod Willielmus Mungeham Major Civitatis Roffen una cum omnibus, & Singulis Civibus, &* *Rochester.*

Communiariis ejuſdem Civitatis eligerunt & nominaverint Johan: Kyr-ton & Will elmum Revers ad Eſſend. Cives pro Civitat, &c.

The meaning whereof is, that the Mayor together with all and Singular Citiſens, and Communers, that is, with all and every Citiſen who was a Communer, and of the Community of the City, which was as much as to ſay, the whole Community of the City choſe them for the *Communiarii*, or *Comminiarii* of the City of *London*, are the Common Council Men thereof, and a Select Number of the moſt Worthy, and able Citiſens, as appears by the Style of the Common Council in the City Books. *Commune Concilium tent. in Camera Guildhall Civitatis London, &c. Coram Tali, Majore Civitatis, &c.* Then after the Names of the *Aldermen* preſent, and *Sheriffs*, it follows, *Nec non Majore parte Comminariorum dictæ Civitatis in Communi Concilio tunc & ibidem aſſemblat*, and it cannot be doubted but the *Commoners* of the *City* of *Rocheſter* were Perſons of the ſame Condition. A B

Bath and *Bridgewater.*

In the 12th and 17th years of *Edward* the Fourth. The Returns of *Bath* and *Bridgewater* in *Sommerſet-Shire*, are thus Penned. *Hæc Indentura, &c. Teſtatur quod Cives Civitatis Bathon. Ex unanimi aſſenſu eligerunt, &c. Willielmum Haynes & Robertum Baten, &c. Ad Eſſend. ad Parliamentum, &c.* So for the Burgh. *Hæc Indentura, &c. Teſtatur quod Burgenſes Burgi de Briggewater unanimi aſſenſu elegerunt Thomam Tremayle, & Johannem Kendale, pro Burgenſibus dicti Burgi ad eſſendum ad Parliamentum, &c.* C

[1] *Pryn's* Brev. Parl. Rediviva. p. 317.

How the Elections have been made in the *Burgh* of *Bridgewater*, ſince the date of theſe Writs, and of late times, I cannot ſay. But in the *City* of *Bath*, they have always been made [1] only by the *Mayor, Aldermen* and *Common Council*, conſiſting of Thirty one Perſons and no more, notwithſtanding theſe General Words, *Cives* or *Burgenſes*, or at leaſt, *Major, Aldermanni, & Cives elegerunt*, have been in moſt of their Returns. D

[2] Ibid. p. 313.

In the 13th year of King *Charles* the Second, 1661. *Alexander Popham*, and *William Pryn* Eſquires, were choſen Citiſens for the City of *Bath*, by the *Mayor*, *Aldermen*, and *Citiſens* as in the [2] Return, of which the whole Number that Elected them were but Twenty one Perſons of the Thirty one above mentioned. There happened a Controverſie about this Election, there being two Competitors [3] choſen by one Aldermen, Five Common Council Men, and Thirty two Freemen, the queſtion before the *Committee* of Privileges, and the Parlement was, [4] whether *all* the *Freemen* and *Citiſens* of *Bath* had, and ought to have *Voices* in the *Election* of *Citiſens* to ſerve in Parlement, or only the *Mayor*, *Aldermen*, and *Common Council* of the *City*. That the *choice* had been always made by the *later* was clearly proved. E

[3] Ibid. p. 317, 318.

[4] Ibid. p. 318.

[5] Ibid. p. 320.

The *principal matter* then [5] inſiſted upon by the *Competitors* Counſel, was, that the *Elections* were *made* in the *Name* of the *Mayor*, *Aldermen*, and *Citiſens* of *Bath*, which Word *Citiſens*, muſt *neceſſarily*, and of *Common Right* be *intended* of all the *Citiſens*, and *Freemen* of the *City*, who are *Citiſens*, and *not* of the *Citiſens* only, that are *Common Council* Men. F

To this it was, or might have been answered, That *Knights* of the *Shire* are said to be *chosen* by the *County*, or the *whole Community* of the County, and yet *those Words* do not *extend* to all the *Inhabitants* of the County, though never so Rich, for *Tradesmen*, and others whose *Estates* are in *Money* or *Goods*, nor *Copyholders*, or *Leaseholders have* any *Voice* in such *Elections*. And the *Commons* assembled in
A Parlement, are usually *styled* the *Commonalty* of the *Realm*, nay, *all the Commons of the Realm*, as in the *Stat.* of *Provisors*, 25 *Edward* the Third, and others; yet are a *Select Number* of *Persons*, Elected, Intrusted, and Authorized not by *half* the *Inhabitants* of *England*. So that though the Words *Cives & Burgenses* may in some Cases, and in their full *Latitude*, *extend* to *all Citizens*, *Burgesses*, or *Freemen*, and *Inhabitants* also of *Cities* and *Burghs*, yet in *many others*, and most *frequently* in this particular *case* of *Electors*, they are *re-*
B *strained* to some *Select Number* of *Citizens* and *Burgesses*, or to the *Chief Magistrates*, and *Common Council*. Whoever desires further satisfaction in this point, may peruse Mr. *Pryn*'s *Brevia Parliamentaria Rediviva*, from page 320 to page 328.

In several Counties the *Citizens* and *Burgesses* were *chosen* in the *County Courts* with the *Knights*, on the *day* of the *Knights Election* in
C the same *Court*, and joyntly Returned in one *Indenture* especially before the Stat. of the 23 of *Henry* the Sixth, and in some after that; there were commonly sent four or five *Citizens* or *Burgesses* from the *Respective Cities*, or *Burghs*, whereof the *Mayor*, or *Chief Magistrate* was usually one, to the County Court. *Qui de assensu totius Communitatis, Civitatis vel Burgi eligerunt, &c.* Who by assent of the whole *Community* of the *City* or *Burgh*, from which they were *sent*, did choose *Citizens* and *Burgesses*, who gave them *full* and *sufficient Power* for themselves, and the *Community* of the *Cities* and *Burghs*,
D to *do* and *consent* to such things, as by *Common Council* should be ordained. One Example of these Returns may be seen in the * Appendix which was made for *Sommerset-Shire*, in the Second of *Henry* the Fifth, and the like is upon Record for *Dorset-Shire*, in the same year; there is also in that year one for *Wilt-Shire*, though not in the very same Form, for which see the * *Appendix* for *Devon-Shire* in the 27th of *Henry* the Sixth, for *Cambridge* and *Huntington*, *Warwick*, and *Kent* and other *Counties* and *Shires*, in other years.

Citizens and Burgesses chosen in County Courts.

* N. 14.

* N. 15.

E

To all these *Instances* for the greater proof, that the *Communities* of *Cities* and *Burghs* did and ought to choose, may be added, that the *Citizens* and *Burgesses* constantly had from their *particular Cities*, and *Burghs*, Power to Treat, Do and Consent for themselves, and the said *Communities*, according to the Tenor of all Writs, in all times, and *those*, for whom they were to *Treat*, *Do* and *Consent*, did, or most certainly *ought* to send them: For the *Citizens* and *Burgesses*
F Represented the *Cities* and *Burghs*, and were *Trustees* for them in Parlement, as the *Community*, or *Mayor*, *Aldermen*, and *Common Council*, or the *Chief Magistrate*, and *Capital Burgesses* Represented them at home, in the *Cities*, and *Burghs* themselves, and were *Trustees* for them there. For before *Bribery*, *Meat*, and *Drink*, with *Insinuation*, and *Artifice*, prompted to the *Mean*, and *Ordinary* poor sorts of *Burgesses*, a right which anciently they never Dreamt of, there were no

contests between them and the *Communities*, or *Commonalties*, or the *Governing* part of *Cities* and *Burgesses* about the *Election* of *Citizens* and *Burgesses* to Represent them in Parlement, seeing when they Received *Wages*, it was a *Burthen* to those that chose and sent them. And it is not easily to be imagined, *Poor Ordinary* Men would *contend* for a *Burthen*, or seek a *Trouble*.

Returns of Writs as to Form incertain.

Besides, the Returns are very incertain, and different in Form, somtimes the *Names* of the *Knights*, *Citizens*, and *Burgesses* only with their *Sureties* are Returned. Somtimes they are made according to the *Tenor* of the *Writ*, but mostly according to the *Form*, *Fancy*, and *Invention* of the *Clerk* that drew them up, without any strictness of Words or design to inform posterity, Who were, or ought to be Electors. The *Writs* were commonly in the nature of a *venire facias*, and the *Cities* and *Burghs* took care only to send their *Citizens* and *Burgesses* according to the Precept, which was the *Business* of the *Government* of the places, to which the *Writs* were directed, and that was the best Judge Who was fittest to serve them; there was then no *striving* for *Votes*, or making *Parties* or *Factions* to be Elected. A B

Hitherto of the great probability, if not certainty, Who anciently were, and now ought to be the *Electors* in all *Cities* and *Burghs*, which have *Charters*, and *Free Burgesses*. But the difficulty is, Who ought to be *Electors* in such *Towns* or *Burghs*, that have neither *Charter*, *Custom*, or Free *Burgesses*, as in the *case* of * *Cirencester* above-mentioned. C

* Fol. 60.A.B.

To this I say, First, that where there is *neither Charter*, *Custom*, or *Burgesses*, there can be no *Burgh*.

Secondly, as to this *particular Case*, I am apt to *beleive Cirencester* was anciently no *Burgh*, for amongst all the *Returns* in the *Tower*, from the 26th of *Edward* the First, to the 17th of *Edward* the Fourth, there is not one for that Town. D

Thirdly, I say, that becaus several *Towns* have sent *Burgesses* or Members to Parlement, therefore to *assert* according to the Vulgar Opinion, they must be *Burghs*, or, as they call them, *Burghs* by *Prescription*, as not having *Charter* or *Burgesses*, is an *errour* occasioned by want of due *Observation* and *Perusal* of *Ancient Records*. E

For, no Man that I know of hath taken notice of *Tenents* in *Ancient Demeasns*, having been sent to, and having *sat* in Parlement. And several of those *Towns* that sent them, were such as might have no *Charters* constituting them *Free Burghs*, and consequently had no *Free Burgesses*, for, as it hath been said and proved before, these were made such by [1] Charters only, and the Grant of Royal Liberties, by which *Cities* and *Burghs* were constituted. F

[1] Here f. 47. 49, 50. and and Append.n. 1. b.

But it will be said, that never was any *Writ* or *Summons* directed to the *Sheriffs*, to send to any *Town* of the Kings *Ancient Demeasns*, to choose and send two Tenents to Parlement, as there was for *Cities*, and *Burghs*, to send *Citizens*, and *Burgesses*.

To

To this I reply, and do confeſs, I never did ſee ſuch *Writs* or *Summons* directed to any *Sheriffs*, or *Tenents* in *Ancient Demeaſns*, to ſend any of their own Number to *Parlement*, nor was there any *need* of it, for the *Repreſentatives* of ſuch *Towns* as were *Burghs* by *Charter*, and alſo the Kings Ancient *Demeaſns*, Repreſented both the *Burgeſſes* and *Tenents* too, and in ſome places might therefore be *choſen* by them both.

Tenents in Ancient Demeaſns, how and by whom Repreſented.

A

Secondly, when it was left to the Sheriff as hath been [2] ſhewn before, to direct his *Precepts* to what *Burghs*, *Towns*, or *Places* he pleaſed, he might ſend them to ſuch *large Towns* of the Kings *Ancient Demeaſns* as had a Market only by Connivence and Permiſſion, or Charter, without the conſtitutive clauſe of a *Burgh*, or *Free Burgeſſes*, for it was a hard matter to diſtinguiſh ſuch Market *Towns* from *Burghs*, which by *outward appearence*, in many things could not be

[2] Here f. 52, 53. 54. &c.

B diſtinguiſhed, ſeeing they always paid the ſame *Tallages*, and *Taxes*, that *Burghs* did, they were *free* from [3] *Toll* all over the Kingdom, free from [4] *contributing* to the *Wages* of *Knights* of the *Shire*, and free from *Suit* to *Hundred*, and *County Courts*, as *Burghs* were. They only wanted *Burgh Liberties* and *Royalties*, *Free Burgeſſes*, a *Merchant-Gild*, or *Community* and *peculiar* Officers, which were the *Characteriſticks* of a *Burgh*, and were *Created* and paſſed by *Charter*, which the *Sheriffs* might not take notice of.

[3] Regiſter of Writs, f. 261. b.
[4] Append. n. 16.

C

Laſtly, when ſome Sheriffs might call for the Charters, and enquire after the *Free Burgeſſes* of ſome *Towns*, they might not *find* any, or be *informed* there was none, which *ſomtimes* might be the *cauſe* of ſome *Negative Returns*, that *there were no more Burghs in ſuch or ſuch a County*, than what they then Returned.

When therefore there doth ariſe a *diſpute* about *Elections*, by whom

D they ought to be made, in ſuch *Towns* as have neither *Charter*, nor *Burgeſſes*. The Anſwer is ready, that they ought to be made by the *Freeholders*, ſuch as are *poſſeſſed* of the *Antient Demeaſn* Lands, or thoſe which anciently by one way or other had been in the Crown.

From the 17th of *Edward* the Fourth, which are the laſt Returns of Parlement Writs in the *Tower*, now known, to the Firſt of *Edward* the Sixth, the Returns are all loſt; there are two Bundles in the

E Chappel of the Rolls in the time of *Henry* the Eighth, but not Legible. Two other Bundles in the Reign of *Edward* the Sixth, 1ſt and 6th. Five Bundles in Reign of *Queen Mary*. Seven in the Reign of *Queen Elizabeth*. Three in the Reign of *King James* the Firſt, and Five in the Reign of *King Charles* the Firſt, and no others either in the *Petty-Bag*, *Crown-Office*, or in any other known place, until the Reign of *King Charles* the Second.

Moſt of the Writs and Returns loſt, ſince the Reign of *Edw.* the 4th.

F And theſe Returns here are not much unlike thoſe in the *Tower*, as may appear in theſe few inſtances, being alſo different in moſt places, according to the Clerkſhip of thoſe that made them.

Returns ſince King *Henry* the Eighth.

Cheping-Wicomb in *Buckingham-Shire*. [1] *Hec Indentura teſtatur, &c. Quod Major & Burgenſes unanimi aſſenſu & conſenſu elegerunt, &c. In cujus rei Teſtimonium Major & Burgenſes Sigillum ſuum appoſuerunt.*

[1] Retorn. Brev. Parl. 1 Ed. VI. In Capella Rotulor. *Wicomb.*

For

[2] Ibid. 6 Ed. 6.

For the ſame Town, *Hec* [2] *Indentura teſtatur, &c. Quod Major, Ballivi, & Burgenſes unanimi aſſenſu elegerunt, &c. In cujus rei Teſtimonium Major Ballivi & Burgenſes Sigillum ſuum appoſuerunt.* The ſame Return in 1 *Mariæ*. And the Elections of Mayor, Burgeſſes, and Town Officers, were then made by a Select Number, under the Name of Mayor, Bailiffs and Burgeſſes, ever ſince, except for a few years laſt paſt, as alſo the Parlement Members Excluſive of the Ordinary Freemen. A

[3] Ibid. 1 Mariæ. *Reding.*

Reding in *Bark-Shire*. *Hec* [3] *Indentura Teſtatur, &c. Quod Major, Burgenſes & Communitas Burgi, Ordinavimus, Elegimus, & nominavimus, &c. In cujus Rei Teſtimonium Major & Burgenſes Sigillum ſuum Commune, &c.*

[4] Ibid. 1. Mariæ. *New Windſor.*

New Windſor, nos Major Burgenſes & Communitas [4] *Nova Windſor ex unanimi aſſenſu & conſenſu noſtris elegimus, &c.* B

[5] Ibid. 1 Mariæ. *Thetford.*

Thetford in *Norff. Hec* [5] *Indentura Teſtatur, &c. Quod Major, Burgenſes & alii homines de Communi Concilio, & congregatione dicti Burgi, una voce elegimus, confecimus, ordinavimus & in loco noſtro poſuimus, &c. In cujus Rei Teſtimonium nos Major & Burgenſes Sigillum noſtrum Commune apponi fecimus.* The ſame Return is in the Firſt of *Elizabeth*, the *Burgeſſes* Names only excepted. Here the *Mayor, Burgeſſes*, and other *Men* of the *Common Council*, and ſuch as uſed to come to *Town* or *Burgh-Meetings*, were the *Electors*, which agrees with the Practice at this Day. C

The Caſe between Sir *Joſeph Williamſon* and Mr. *Hevening-ham* at *Thetford.*

In the Caſe between Sir *Joſeph Williamſon*, and Mr. *Hevening-ham*, the firſt *choſen* by the *Mayor, Burgeſſes*, and *Commonalty* of *Thetford*, the other *choſen* by *ſome* of the forementioned *Electors*, and alſo by the *Major part* of the *Freemen* of the Town. D

[6] Commons Journal. Mercur. 17 Jun. 1 Jacob 2. 1685. f. 193.

The Report of the [6] *Committee* of *Elections* to the Houſe concerning the *Election* at *Thetford.*

Reſolved, that 'tis the *opinion* of this *Committee*, that the *Right* of *Election* is in the *Mayor, Burgeſſes*, (which are Ten,) and in the *Commonalty*, or *Common Council* (which are Twenty,) amounting in the whole to *Thirty-one.* E

[7] Ibid.

Reſolved, [7] that this Houſe doth *agree* with the *Committee*, that the *Right* of *Election* is in the *Mayor, Burgeſſes*, (which are Ten,) and in the *Commonalty*, or *Common Council*, (which are Twenty,) amounting in the whole to *Thirty one.*

The Houſe of Commons miſtaken in the meaning of ſome indefinite expreſſions in the Returns of Writs.

By all theſe Ancient, and later Returns, but more eſpecially if compared one with another, it is manifeſt, that in very many *Controverſies* about *Elections*, the *Houſe* of *Commons* have been frequently *miſtaken* in the *meaning* of theſe *indefinite expreſſions*, *Major & Cives*, *Major & Burgenſes*, *Major & Communitas*, or *Major, Burgenſes, & Communitas elegerunt*, underſtanding thereby *all Citiſens, Burgeſſes*, or *Freemen* in *General* of ſuch *Cities* and *Burghs*, when as they were only a *Select Number*, which *managed* the *Affairs* and *Government* of thoſe places. F

Nay,

Nay, when or where it is ſaid in ſome few Returns *Major, & omnes Burgenſes, & Comminarii elegerunt*, thoſe *Words* are moſt commonly, if not always to be underſtood in a *Limited* and *Reſtrained* Senſe, which was, that the *Mayor*, and all the *Chief Burgeſſes*, or the *Mayor* and all ſuch *Burgeſſes* (which were the ſame with *Aldermen*, though they wanted the Title,) and *Commoners* ſuch as *were* of the *Common Council*, or ought to be at *City* or *Burgh Congregations* or *Meetings* did *chooſe*, &c. Who always were a *Select Number*, *Excluſive* of the Bulk of *Common*, *Ordinary*, *Poor Freemen*, *Citiſens*, or *Burgeſſes* of the loweſt Rank. And the *omnes Burgenſes Comminarii*, *& alii homines Burgi*, *did moſtly* ſignifie *no other Perſons* than all the *Burgeſſes*, *Men*, and *Commoners*, who *were* or *ought* to be at *publick Meetings* of the *Burgh* or *City*, and did *tranſact* the uſual buſineſs of the place.

Add to this, what hath been ſaid before, concerning the great *errour* about the *meaning* and *ſignification* of the Word *Communitas*, and that there were very *few ancient Writs* and *Returns* made upon them, to be ſeen in the *Record-Office* in the *Tower*, before Mr. *Pryn*, in the years 1660, and 1661. found ſo many lying confuſedly amongſt other *Records* in the *White Tower*, as made Ninety Seven Bundels, which he mentions in his *Brevia Parliamentaria Rediviva*; by which Men might have been better informed. And it will ſeem no great wonder to find Men *guided* only by the *Sounds* of *Words*, and *Byaſſed* by *Popularity*, to run into Opinions both pleaſing to themſelves, and the Vulgar, and of late years, to have *determined Controverſies* about *Elections* accordingly, contrary to the moſt common and frequent ancient uſage, in Electing *Citiſens* and *Burgeſſes*, and *Tenor* of the *Returns* of Parliament *Writs* in thoſe times.

FINIS.

THE APPENDIX.

De *Burgo* Magnæ Jernemu.

MEmorandum quod *Villa* Magnæ Jernemu non modico tempore ante conqueſtum extitit Situata per progenitores Regis Angliæ ſuper *portum Magnæ Jernemu*, occaſione *proficui* provenientis de eodem *portu*, ad meliorationem ejus Villæ percipiendi, & factus fuit *Burgus Regis*. Unde in *libro* qui vocatur *Domeſday* reperiuntur verba quæ ſequuntur. In Bibliotheca Cotton. Claudius, E. 8. f. 5. A. Col. 1. N. 1. a.

Gernemu tenuit Rex Edwardus ſemper ſeptuaginta Burgenſes tunc valuit cum duabus partibus Soche de tribus Hundredis 18 *l.* ad numerum & pars Comitis 9 *l.* ad numerum, modo duæ partes *Regis* 17 *l.* 16 *s.* & quatuor Denarios blancas, pars *Comitis* 10 *l.* blancas, & *Vicecomes* habet quatuor libras & unum *anèipitem* Terræ de Gerſuma, has quatuor libras dant Burgenſes gratis & amicitia. In eadem habuit tempore Regis Edwardi Ailmarus Epiſcopus quandam Eccleſiam Sancti Benedicti, eandem modo habet W. Epiſcopus de Epiſcopatu & Valet 20 *s.* totum reddit 12 *d.* de gelto. *Nordfulc.* Ibid. Little Domeſday Book, f. 118. a.

Dimidium Hundredi de Luthinglond Gorleſton tenuit *Guertus* tempore Regis Edwardi quinque carucas Terræ pro uno Manerio, tunc *viginti Villani* modo *duodecim*, ſemper *quinque Bordmanni*, tunc *quinque Servi*, modo quatuor, tunc in *Dominico* duæ carucæ modo *una*, tunc *boves* V. caruc. modo III. Silvæ quinque porcorum decem acræ prati, tres Salinæ tunc II. *Runcini*, modo duo, ſemper *trecentæ* oves, in *Gernemu viginti quatuor piſcatores pertinent huic Manerio*. *Sudfulc.* Ibid. f. 283. a.

ET *Sciendum quod Progenitores Domini Regis tenuerunt prædictum Burgum in manibus ſuis propriis percipiendo omnia proficua exeuntia de portu prædicto, uſque ad tempus Regis Johannis* [1] *qui conceſſit Villam prædictam Burgenſibus Villæ prædictæ ad ſcodi firmam reddendo ſibi & hæredibus ſuis quinquaginta & quinque libras per annum, ad quod ſolvendum nihil aliud habent niſi conſuetudinem, & alia proficua provenientia de portu prædicto, nec capiant aliquas conſuetudines de rebus venditis vel emptis in mercato ſuper terram, nullo tempore anni.* A

[1] Here N. 2.

Et poſtmodum tempore Regis [2] Henrici Anno Regni ſui duodecimo ortis aliquibus contentionibus inter *homines* de *Jernemu*, & *Rogerum filium Oſberti cuſtodem Manerii de Luthinglond* de conſuetudinibus quas idem Rogerus cepit in portu prædicto *contra libertates* ipſorum hominum de Jernemu, idem Dominus Rex Anno Regni ſui prædicto volens certiorari quæ conſuetudines pertinuiſſent prædictis hominibus de Jernemu, & quæ Manerio ſuo de Luthinglond, *aſſignavit* Martinum de Pateſhull ad inquirendum ſuper præmiſſis. Et facta fuit inquiſitio apud Magnam Jernemu Anno Regis Henrici duodecimo, *Sacramento viginti quatuor de Comitatu Norfolciæ, & viginti quatuor de Comitatu Suffolciæ tam Militum* quam aliorum, per quam quidem inquiſitionem fuit compertum, quod omnia *magna mercimonia vendi deberent & diſcarcari apud Magnam Jernemu, & quod tota aqua ſpectabat ad Homines de Jernemu*, ſed quod *minuta mercimonia & victualia diſcarcari poterant verſus partes de Luthinglond, vel verſus Jernemu pro voluntate eadem adducentium*, prout in *Recordo habito* coram præfato Martino, & Sociis ſuis plenius apparet. Unde patet quod *Præſcriptio* omnium rerum venalium, quam Johannes de Britannia, Comes Richmond Homines & Tenentes ſui Villarum Parvæ Jernemu & Gorleſton penitus eſt interrupta. B C

[2] Viz. Tertii.

Poſtea vero prædicti Burgenſes percipientes quod per prædictam inquiſitionem fuerunt damnificati in hoc quod naves cum victualibus poterant diſcarcare verſus partes de Luthinglond, præcipue cum *ſeiſona piſcationis* fuit *potiſſimum* eorum *proficuum*; acceſſerunt ad prædictum Dominum Regem Henricum & obtinuerunt ab ipſo quod idem Rex Henricus Anno Regni ſui quadrageſimo prædicto Manerio de Luthinglond in manu ſua exiſtente per *Cartam* ſuam *conceſſit* iiſdem quod *omnia mercandiſæ & mercimonia* tam de *piſcibus* quam de aliis rebus, ad *portum* de *Jernemu* in navibus vel extra inventa per manus hujuſmodi Mercandorum deferentur apud magnam Jernemu, vendantur, &c. Quibus quidem libertatibus prædicti Burgenſes & Anteceſſores ſui uſi fuerunt pacifice. D E

Declaratio Cartæ Regis Henrici tertii ſuper libertatibus portus Magnæ Jernemu. F

SED poſtea quia videbatur præfatis Burgenſibus quod verba contenta in Carta Domini Regis Henrici prædicta nimis extiterant obſcura, acceſſerunt ad nobilem Regem Dominum Edwardum Avum Domini

Domini Regis nunc, & petierunt ſibi declarationem fieri de verbis antedictis, qui quidem Rex Edwardus Avus, &c. per aviſamentum magni Concilii ſui, prout patet in * memorandis de Scaccario ſuo anno Regni ſui tricesimo quarto, de Termino Sanctæ Trinitatis, non obſtante reclamatione Adæ Bacoun Clerici, Johannis Kybel, & Johannis de Belton miſſorum ibidem per homines de parva Jernemu & Gorliſton prædicto Manerio de Luthinglond in manu ipſius Regis Avi exiſtente, conceſſit etiam Burgenſibus & Succeſſoribus ſuis quod omnia mercandiſæ & mercimonia quæcunque fuerint ſive de piſcibus, ſeu de aliis rebus quibuſcunque, quæ infra dictum Portum dictæ Villæ noſtræ magnæ Jernemu in Navibus aut batellis ſeu alio modo adduci ſeu deferri contingeret, ut ibidem negotiaretur de eiſdem apud eandem Villam de magna Jernemu & non alibi infra portum prædictum diſcarcarentur, & Cauſam exprimit in eadem Carta, * *pro eo quod prædicta Villa ſua de magna Jernemu fuit* * *liber Burgus ſuus*, & per progenitores ſuos ſituata extitit ſuper portum ſuum prædictum, occaſione proficui de eodem portu ſuo provenientis, ad *meliorationem Villæ ſuæ* percipiendi, quibus quidem libertatibus iidem *Burgenſes* poſt confectionem ejuſdem Cartæ uſi fuerunt & gaviſi, eo quod omnia mercandiſæ & mercimonia infra portum prædictum adducta tam in Navibus *Hominum*, & *Tenentium* ipſius *Comitis* Villarum parvæ Jernemu & Gorleſton, quam in Navibus aliorum quorumcunque expoſita fuerunt venditioni, vendita & diſcarcata apud magnam Jernemu virtute Cartæ prædictæ, & juxta tenorem ejuſdem quod omnibus eſt publicum & notorium in partibus eidem Villæ magnæ Jernemu circumjacentibus.

* See this Record hereafter following, by the latter clauſe whereof it evidently appears what, a free Burgh was.

* Note this reaſon.

Et Sciendum eſt, quod omnes *libertates* præfatis *Burgenſibus* conceſſæ per Cartas Regis ſuperius annotatas ſunt confirmatæ per Dominum Edwardum Patrem Regis nunc, & per Dominum *Regem* nunc; Et in confirmatione Patris Regis nunc, continetur, *quod licet Burgenſes prædicti, vel eorum Succeſſores, aliqua vel aliquibus libertatum prædictarum hactenus uſi non fuerunt, eiſdem tamen gaudeant & utantur.*

Carta Regis Edwardi tertii de libertatibus Portus Magnæ Jernemu.

EDwardus Dei Gratia Rex Angliæ, Dominus Hyberniæ, & Dux Aquitaniæ, omnibus ad quos præſentes literæ pervenerint, Salutem. Sciatis quod cum celebris memoriæ Dominus Edwardus nuper Rex Avus noſter per Cartam ſuam quam Dominus Edwardus nuper Rex Angliæ Pater noſter per Cartam ſuam, & nos ſimiliter per Cartam noſtram confirmavimus, conceſſiſſe *Burgenſibus noſtris Villæ noſtræ magnæ Jernemu*, quod omnia mercandiſæ & mercimonia quæcunque ſint, ſive de piſcibus ſive de aliis rebus quibuſcunque quæ infra portum noſtrum dictæ Villæ noſtræ magnæ Jernemu in Navibus aut batellis ſeu alio modo adduci ſeu deferri contigerit; ut ibidem negotietur de eiſdem licite & aperte, apud eandem Villam de magna Jernemu & non alibi, in portum prædictum diſcarcentur, & per manus mercandiſas & mercimonia illa ducentium ſeu deferentium, & ea

ibidem vendere volentium, seu per manus servientium suorum venditioni exponantur, & ibidem quibus voluerint libere vendantur, & emantur, absque aliquo forstallamento, vel abrocamento, seu alio quovis impedimento. Ita quod nullus forstallarius, abrocator, vel alius quicunque obviam eat Mercatoribus cum piscibus, aut aliis mercandisis, & rebus venalibus versus prædictam Villam nostram venientibus, ad aliqua inde emenda, seu forstallamenta, vel abrocamenta in dicta Villa vel extra inde facienda *sub forisfactura rei emptæ*, A per quod dicti Burgenses, seu aliqui mercatores hujusmodi mercandisas & mercimonia ibidem ducentes super emptionibus & venditionibus suis apud eandem Villam nostram de magna Jernemu faciendis, *ad detrimentum ejusdem Villæ* aliqualiter impediantur, prout in Carta nostra plenius continetur. Ac inter Johannem de Britannis *Comitem* Richemond & Homines & Tenentes suos Villarum parvæ Jernemu & Gorleston ex parte una, & *communitatem* dictæ Villæ Magnæ Jernemu ex altera, occasione quorundam impedimentorum factorum per præfatos *Burgenses* colore dictæ Cartæ dicti Avi nostri (ut dicebatur) eisdem Hominibus & Tenentibus Villarum parvæ Jernemu & Gorleston de proficuis capiendis de carcatione & discarcatione navium venire volentium ad easdem Villas parvæ Jernemu & Gorleston, & de emptione & venditione rerum venalium, *Idem placitum in diversis Curiis nostris tam Parliamentis quam aliis habitum fuisset*, quod in placito illo inter easdem partes per nos & Concilium nostrum consideratum fuit quod idem *Comes*, & Hæredes sui, nec non *Homines* & *Tenentes* dictarum Villarum parvæ Jernemu & Gorleston Hæredes & Successores sui proprias naves suas cum rebus & mercandisis in eisdem Navibus carcatis, seu de *allece*, seu de aliis *piscibus*, rebus, & mercandisis quibuscunque ad easdem Villas parvæ Jernemu & Gorleston carcare & discarcare, & res & mercandisas suas ibidem venditioni exponere, & alias commodum suum inde facere valeant, pro eorum libito voluntatis, solvendo inde ibidem *illis* quos nos vel hæredes nostri ad hoc *deputabimus* custumas debitas & consuetas quadam sub- D missione quorundam hominum, & tenentium, dictarum Villarum parvæ Jernemu & Gorleston, & etiam quorundam *Burgensium* dictæ Villæ magnæ Jernemu, ad quosdam de consilio nostro ad * dictum negotium inter partes prædictas finaliter terminandum, nec non quadam ordinatione per ipsos de eodem Consilio inter easdem partes inde facta, seu prædicta Carta ipsius Avi nostri non obstante. Ita videlicet, quod eorum naves Laniis Coriis & pellibus lanutis suis, de quibus magnæ custumæ dari debent, in eodem portu in loco ubi * Thronus noster E & * Sigillum nostrum quod dicitur Coket existunt, & non alibi carcentur. Et quod voluntas nostra & intentio nostra & ipsius Consilii nostri fuit, quod dicta Carta ipsius Avi nostri prædictis Burgensibus Villæ magnæ Jernemu, ut præmittitur, facta per istam considerationem, quoad alios in nullo sit restricta, sed quod locum suum habeant & effectum in omnibus, & gentes omnes, tam indigenas, quam alienigenas, præterquam eosdem Comitem, Homines, & Tenentes dictarum Villarum parvæ Jernemu & Gorleston, Hæredes & Successores suos in forma supradicta, *Salvo jure Civium Civitatum London, Norwici, Baronum de quinque portubus, & aliorum quorumcunque si quod habeant per Cartas de antiquiori data cartæ ipsius Avi nostri vel alio modo in hac parte.* Et quod dictum fuit & inhibitum per nos & dictum Consilium nostrum præfatis Comiti, Hominibus & Tenentibus dictarum Villarum parvæ Jernemu & Gorleston, *ne sub gravi*

* See the next Record. N. 1. b.

* Our Beam, and the Seal called Cocquet.

gravi forisfactura noſtra ad eaſdem Villas parvæ Jernemu & Gorleſton naves aliorum attraherent quo vis modo, nec mercandiſas aliquas in Aquam portus prædicti cum aliquibus per prædictam Cartam dicti Avi noſtri reſtrictis exerceant, nec impedimentum aliquod faciant quo minus iidem Burgenſes dicta Carta ipſius Avi noſtri gentes alias ſicut prædictum eſt in omnibus ſuis articulis juxta vim & efficaciam ejuſdem uti valeant & exerçere. Et quod dictum fuit & inhibitum A tam præfatæ *Communitati* quam præfatis Hominibus & Tenentibus parvæ Jernemu & Gorleſton, ne quicquam contra conſiderationem dictam & inhibitionem prædictas attemptare præſumant ſub forisfactura ſupra dicta prout in Recordo & proceſſu inhibitis, & in Cancellaria noſtra reſidentibus plenius continetur. Nos ne præmiſſa quæ pro tranquillitate & quiete partium prædictarum & juſtitia manutenenda per nos & præfatum Conſilium noſtrum ſic conſiderata fuerunt, *futuris temporibus in dubium revocentur*, ea tenore præſentium duximus B teſtificanda. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte me ipſo apud Wodeſtok, decimo die Julii Anno Regni noſtri Sexto.

C *Inter Recorda de Termino Sanctæ Trinitatis Anno triceſimo quarto Edwardi primi Rot. vel. N. 43.*

MEmorandum quod congregatis in Scaccario Regis apud Weſtmonaſterium modo die Jovis in Vigilia Natalis Sancti Johannis Baptiſtæ venerabili Patre W. Coventrenſi & Lichfield- D enſi Epiſcopo, Domino Regis Theſaurario, Willielmo de Hamelton Cancellario Angliæ R. le Brabazon Juſticiario ad placita coram Rege placitanda deputato, Baronibus de Scaccario, prædictis Juſticiariis de Banco, & quibuſdam aliis de Conſilio Regis prædicti ſuper quibuſdam negotiis Regis tranctantibus, venerunt coram eis Henricus Roſe, & Willielmus Faſtolfe Burgenſes Villæ Regis magnæ Jernemuthæ, & ſupplicarunt pro ſe & aliis Burgenſibus Villæ prædictæ, quod cum per Cartam Domini Regis Henrici quondam Regis E Angliæ progenitoris Regis nunc, quam ipſe Rex nunc confirmavit inter cætera contenta in Carta prædicta *conceſſum* fuit *Burgenſibus* de *Villa* de magna *Jernemutha*, quod omnia *mercandiſæ & mercimonia* tam de *piſcibus* quam de *aliis rebus* ad *portum* de *Jernemutha* venientia in Navibus vel extra, *libere & aperte per manus hujuſmodi mercimonia deferentium abſque alicujus impedimento vendantur & emantur*, ita tamen quod non ſint *abrocatores* in prædicta Villa de *Jernemutha*, per quos *venditores* vel *emptores* de *venditionibus* vel *emptionibus* ſuis F *libere* faciendis *impediantur* ad detrimentum Villæ memoratæ, *quod ad majorem notificationem & expreſſionem præmiſſorum concedatur eis inde declaratio ſub hac forma* (*videlicet*) *quod mercandiſæ & mercimonia quæcunque, ſive ſint de piſcibus ſive de rebus aliis quibuſcunque, quæ infra portum Villæ prædictæ vel ad eandem Villam per terram vel per mare cauſa negotiandi ibidem, de eiſdem adduci ſeu deferri contigerit libere & aperte apud eandem Villam de magna Jernemutha per manus merchandiſas*

North. Suff. de hominibus de Jernemuth, & Luthinglond. N. 1. b.

mercandiſas & mercimonia illa ducentium, & ea ibidem vendere volentium, ſeu ſervientium ſuorum venditioni exponantur, & ibidem vendantur & emantur abſque aliquo forſtallamento vel abrocamento ſeu alio quovis impedimento, ita quod nullus forſtallarius, abrocator vel alius quicunque obviam eat mercatoribus cum piſcibus vel aliis mercandiſis aut aliis rebus venalibus per terram vel per aquam verſus dictam Villam venientibus ad aliqua inde emenda, vel forſtallamenta ſeu abrocamenta inde facienda ſub forisfactura rei emptæ, per quod dicti Burgenſes *ſeu aliqui mercatores hujuſmodi mercandiſas & mercimonia ibidem ducentes ſuper emptionibus & venditionibus ad detrimentum Villæ prædictæ aliqualiter impediantur.* A

Et ſuper hoc obtulerunt ſe coram *Concilio prædicto Adam Baton Clericus, Johannes Kybel* de *Gorleſton*, & *Johannes de Belton* de *Suth Jernemutha* quæ ſunt in *Ludinglond*, **dicentes** & *proponentes* quod *dicta declaratio ſi conceſſa fuerit, multum cederet in præjudicium & perpetuam deterioracionem hominum Villarum earundem, quæ quidem Villæ ſitæ ſunt prope portum prædictum:* **dicunt** *enim, quod ſemper retroactis temporibus naves ingredientes portum illum in ſciſona piſcationis allecis diſcarcari ſolebant* pro *voluntate Magiſtrorum navium illarum, tam ad illas Villas quam ad magnam Jernemutham, (videlicet)* ad *quem locorum prædictorum illi quorum interſit vendere mercimonia in hujuſmodi Navibus carcata vellent exponere ea venditioni & ibidem vendi & emi abſque ullo impedimento;* & per *prædictam declarationem ſi conceſſa eſſet, in forma prædicta, attraherent Burgenſibus Magnæ Jernemuthæ toto tempore anni omnimodas naves cum quibuſcunque mercimoniis applicantes in portu prædicto ad eandem Villam, & non permitterent hujuſmodi naves alibi diſcarcare* nec *aliqua mercimonia in eiſdem navibus adducta alibi venditioni exponere, &c.* Unde **petierunt** pro *Statu* hominum Villarum prædictarum in *Ludinglond* quod *nulla conceſſio* fiat in hac parte in *læſionem* vel *derogationem conſuetudinum ſuarum pacifice hactenus obtentarum ſuper emptionibus & venditionibus faciendis* ad *eaſdem Villas, ut prædictum eſt, &c.* B C D

Et prædicti Henricus & Willielmus **dicunt**, magna *Jernemutha* eſt * **Liber Burgus** *Regis*, & *tenetur* de ipſo Rege *ad feodi firmam quinquaginta quinque librarum* per annum, eo quod non eſt aliquod * **certum** in Villa prædicta *ſpectans* ad firmam illam, unde *aliqua pars* inde exeat vel emergat, ſed quod ipſi Villæ ejuſdem ratione proficui quem habent & habere clamant, de rebus venalibus adductis ad portum prædictum vendendis ad eandem Villam, & pro aliis libertatibus quæ *ad Liberum Burgum pertinent* & quas Rex Scilicet * *Avus Regis* nunc, & *Rex Henricus Pater Regis* nunc, *per cartas* ſuas *eis conceſſerunt*, & ipſe Rex nunc *per cartam ſuam confirmavit*, ſolverunt annuatim firmam ſupradictam, &c. Et oſtendunt *Cartam* Regis nunc de *confirmatione cartarum* prædictarum *Avi* ſui & *Patris ſui* quæ teſtatur magnam *Jernemutham* eſſe *liberum Burgum*, &c. Et *de Rege teneri ad feodi firmam, &c.* Et *plures & diverſas* libertates hominibus ejuſdem Villæ & eorum Hæredibus & Succeſſoribus eſſe conceſſas, inter quas ad plenum continetur quod ſuperius in principio hujus proceſſus de conceſſione Patris Regis nunc exprimitur, &c. Et petunt quod *explanatio* ſive *declaratio* quam petunt ſuper conceſſione illa concedatur, non *obſtante reclamatione* dictorum *Adæ, Johannis* & *Johannis* pro *hominibus* prædictis de *Ludinglond*, præſertim cum ipſi non E F

* Note here what *Liber Burgus* a free Burgh was. To wit, a Town that had ſpecial Liberties granted by the Kings Charter.
* i. e. no Lands or certain Rents.
* King *John.*

non ostendant, nec ostendere poterunt quod Villæ de *Suth-Jernemutha* & de *Gorleston sint* **Burgi**, vel aliquam *libertatem* ad * *Liberum Burgum* pertinentem *habeant* per *Cartam* Regis, &c. Adjicientes, quod nisi *inhabitantes* Villas illas, qui ex **concessione** *Regia* **nullas** *habent* **libertates**, &c. *compellantur subtrahere & delere usurpationes & foristallamenta* quæ *faciunt* & indies facere nituntur contra *libertates magnæ Jernemuthæ*, &c. Attrahentes eis mercandisas & mercimonia quorumcunque adducta ad prædictum portum, & non permittentes mercimonia hujusmodi transduci seu transferri ad Villam magnæ Jernemuthæ ibidem venditioni exponenda & vendenda, ad quam Villam & non aliam *spectat portus prædictus* eadem in proximo penitus adnullabitur, *unde pro Rege & Statu Villæ suæ opportunum remedium petent eis adhiberi in hac parte*; & **habito** *inde* **tractatu** per *Concilium Regis* prædictum, *visaque & examinata* **Carta** Regis prædicta, &c. Et *quæsito* etiam a præfatis *Ada, Johanne*, & *Johanne*, si **aliquam Cartam** Regis habeant de *aliquibus libertatibus concessis hominibus Villæ parvæ Jernemuthæ*, & *Gorleston*, & obtento quod non, **visum** est *concilio prædicto* quod per *verba expressa* in prædictis **Cartis** Regum *Johannis* & Henrici confirmatis per Regem nunc, &c. Et **per hoc** quod *prædicta Villa* de *magna Jernemutha* est * **Liber Burgus**, &c. quod omnia *mercimonia adducta* ad portum prædictum tum de *piscibus* quum de *aliis rebus* vendenda, &c. *Exponi debent venditioni & vendi ad Villam magnæ Jernemuthæ*, &c. & *non* ad *prædictas Villas* in *Ludinglond*, quæ non *sunt* **Burgi**, &c. Unde **dictum** est per dictum Concilium ex parte Domini Regis firmiter injunctum præfatis *Adæ, Johanni* & *Johanni* de *Belton*, quod ipsi *scire faciant hominibus* prædictarum *Villarum* in *Ludinglond* pro quibus *sequuntur* quod *nullus* eorum *præsumat attrahere* ad *suas partes* aliquas *naves applicantes* in *portu prædicto* cum aliquibus mercandisis seu mercimoniis **vendendis**, nec de hujusmodi mercandisis seu mercimoniis venditiones seu emptiones ibidem facere quoquo modo, quo minus mercandisæ & mercimonia illa libere & aperte absque impedimento seu aliquo foristallamento *transduci* possint ad prædictum *Burgum Regis Jernemutham*, & ibidem *prius exponi* venditioni & vendi *per manus illorum quorum mercandisæ & mercimonia illa fuerint* vel *Attornatorum* eorundem prout justum fuerit, & prout per *libertates hominibus* **Burgi** *prædicti* a *Domino Rege* & *Progenitoribus suis concessas* fieri debet, &c.

* Note here the same.

* Note again what *Liber Burgus* was.

By this Plea and Controversie in the Exchequer, between the *Burgh* of Great *Yarmouth*, and the Men of Little *Yarmouth* and *Gorleston* in *Lovinglond*, it appears, That *Prescription, seeing they were no Burghs, prevailed not to assert and make good a liberty of unlading Goods, and exposing them to Sale in those Towns, though it had been always done in foregoing times.* By the same it is also evident, that *Liberties* belonging to *free Burghs* were only to be *had* and *obtained* by the *Kings Charter*, and that where they were used without it, they were *esteemed* and *judged Usurpations*. Especially if *practised*, and *continued* to the *prejudice* and *damage* of a *free Burgh*.

Prescription not allowed, against the Liberties of free Burghs, &c.

Johannes

Cart. 9. Johannis, N. 20. Carta Burgensium de Gernemuth. N. 2.

JOhannes Dei Gratia, &c. Sciatis non conceſſiſſe & præſenti Carta noſtra confirmaſſe Burgenſibus noſtris de Gernemua quod habeant Burgum de Gernemua ad feodi firmam in perpetuum, & quod Burgus ille ſit liber Burgus imperpetuum, & habeant [a] Socam & [b] Sacam, [c] Tol & [d] Theam, & [e] Infangenethef & [f] Utfangenethef, & quod ipſi Burgenſes per totam terram noſtram, & per omnes portus maris ſint quieti de [g] Theoloneo, [h] Leſtagio, [i] Paſſagio, [k] Paagio, [l] Pontagio, [m] Stallagio, & de [n] Leve, & de [o] Denegeld, & omni alia conſuetudine, ſalva libertate Civitatis London, & quod nullam ſectam Comitatuum vel Hundredorum faciant de tenuris infra Burgum de Gernemua. Conceſſimus etiam eiſdem Burgenſibus, & hac *Carta* noſtra confirmavimus quod nullus eorum placitet extra Burgum de Gernemua de nullo placito præter placita de tenuris exterioribus. Conceſſimus etiam eis quietanciam murdri infra Burgum de Gernemua, & quod nullus eorum faciat [p] Duellum, & quod de placitis

A B

Soca. [a] *Soca, Socna*, the place, *Territory*, or *Precinct*, wherein *Saca* or *Liberty* of Court was exerciſed, the *Circuit* of the *place* of the *Franchiſe*, or the *Liberty*, *Priviledge*, or *Franchiſe* itſelf.

Saca. [b] *Saca, Sacca, Saka, Sacna*, ſignifies a *Liberty* or *Power* granted by the King to *try* and *judge* cauſes, and of receiving the forfeitures ariſing from them, within the *Limit*, *Dominion*, or *Juriſdiction* of the Court. See more of theſe words in the Preface to my Hiſtory, Fol. 61. C

Tol. [c] *Tol*, a word commonly known, being an *impoſition* or *payment* for things bought and ſold in Mercates.

Theam. [d] *Theam*, a *Privilege* to take and keep *Bondmen*, *Villans*, *Servants* and *Slaves*, with their *Generations* one after another, and *Poſterities*, which in *Latin* are ſometimes called *Sectæ*, ſometimes *Sequela*, and to *diſpoſe* of, and *ſell* their *Children*, or *moveable*, or *immoveable goods* at pleaſure.

Infangthef. [e] A *Liberty* granted to *try* and *judge* a Thief taken within the Juriſdiction of the *Burgh*. D

Utfangthef. [f] *Ut* or *Outfangenetheof*, a Liberty to take a *Thief* that fled, and bring him back to the Court, or Place, within which the fact was committed, and there to try and judge him.

Theloneum. [g] *Theoloneum*, the ſame with *Toll*.

Leſtagium. [h] *Leſtagium*, a *Liberty* for Men to carry their Goods up and down in *Fairs* and *Mercates*, where they pleaſe.

Paſſagium. [i] *Paſſagium*, Money paid by *Paſſengers* at *Bridges*, *Gates*, &c. which may be called *Gate-Toll*, *Bridge-Toll*, &c. E

Paagium. [k] *Paagium* any *Tribute* or *Payment* from the *French Word* paier, and ours *to pay*, or perhaps the ſame word with *Paſſagium* the double *S* being left out, yet the *word retained* by the *ignorance* of the *Scribe*.

Pontagium. [l] Pontagium, *Toll* paid for *Paſſage* over *Bridges*, with Horſes, Carriages, &c. and *under them*, with *Boats*, *Ships*, &c.

Stallagium. [m] A *payment* for a *Stall*, or a *Right* to *have one* in *Fairs* or *Mercates*.

Leve. [n] *Leve, pro Leva, Tribute, Levies, Exaction, Collection*, a *Levare, Exigere, Tributum imponere*. F

Danegeld. [o] Danegeld, this was a *Tax* or Money paid, and *impoſed*, and levied for *defence* of the *Nation* againſt the *Danes*, or rather an annual *Tribute* paid to them, that they might *abſtain* from *Rapine*, *Burning* and *Slaughter*, See my Hiſtory, Fol. 123. E. F.

Duellum, &c. [p] *De Duello inter forinſecum & Burgenſem.* Leg. Burgor. Scot. c. 14. *Si quis forinſecus Burgenſem de re aliqua appellaverit, non poteſt ſuper Burgenſem pugnare, ſed Burgenſis per legem Burgi ſe defendet.*

ad

ad Coronam pertinentibus ſe poſſint dirationare ſecundum legem & conſuetudinem Oxon, & quod infra Burgum prædictum nemo capiat hoſpitium per vim, vel per liberationem Mareſchallorum, & quod in Burgo illo in nullo placito ſit Meskenninga, & quod Huſting ſemel tantum in ebdomada teneatur. Conceſſimus etiam eis Gildam Mercatoriam, & quod terras, & tenuras, vadia ſua, & debita ſua, omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris
A quæ infra Burgum prædictum ſunt rectum eis teneatur, ſecundum legem & conſuetudinem Burgi Oxon, & de omnibus debitis ſuis quæ accommodata fuerint apud Gernemuam, & de vadiis ibidem factis placita apud Gernemuam teneantur. Et ſi quis in tota Anglia Theolonia vel conſuetudines a Burgenſibus de Gernemua ceperit, exceptâ, ut ſuperius, dicta Civitate London, poſtquam ipſe a recto defecerit, Præpoſitus de Gernemua Namium apud Gernemuam capiat. Inſuper ad emendationem prædicti Burgi de Gernemua conceſſimus
B quod quinque Mercatores petierint Burgum de Gernemua cum Mercato ſuo de quocunque loco fuerint ſive extranei, ſive alii qui de pace noſtra fuerint vel de licentia noſtra in terram noſtram venerint, veniant, morentur, & recedant, ſalvâ pace noſtrâ reddendo rectas conſuetudines illius Burgi. Prohibemus etiam ne quis prædictis Burgenſibus injuriam vel dampnum vel moleſtiam inferat ſuper foriſfacturam decem librarum. Quare volumus & firmiter præcipimus
C quod prædicti Burgenſes de Gernemua, & eorum hæredes habeant & teneant imperpetuum omnia prædicta hæreditarie, bene & in pace, liberè, quietè, integre, plenarie & honorificè reddendo inde annuatim quinquaginta & quinque libras numero, per manum Præpoſiti de Gernemua ad Scacarium noſtrum ad Terminum Sancti Michaelis: & Burgenſes de Gernemua facient Præpoſitos de ſe per annum qui ſint idonei nobis & eis. Teſtibus Domino H. Wintonienſi, Domino J. Norwicenſi, S. Sarisberienſi Epiſcopis, G.
D Filio Petri, W. Mareſcallo, Comite Pembroke, W. fratre noſtro, Comite Sarum, W. Comite de Ferrariis, Petro filio Herberti, W. Briwer, H. de Nevill, Adamo de Portu, Garino filio Geroldi, Willielmo de Cantilupo, Johanne de Baſſing, Galfrido Lutterell, Thoma filio Adæ. Datum per manum H. de Well Archidiacono Wellenſi apud Merleberg decimo octavo die Martii, Anno Regni noſtri nono.

E

F

1 Johannnis, N. 164. Carta Burgenſium de Dunewic. N. 3. a.

JOhannes Dei Gratia Rex Angliæ, Dominus Yberniæ, Dux Normanniæ, Aquitaniæ, Comes Andegaviæ, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vice-Comitibus, Præpoſitis & omnibus Ballivis & fidelibus ſuis, Salutem. Sciatis nos conceſſiſſe & præſenti Carta confirmâſſe Burgenſibus noſtris Dunewici quod Burgum de Dunewic ſit liberum Burgum noſtrum, & habeat Socam, & Sacam, & Toll, & Theam, Infangenetheof, & quod A
ipſi per totam terram noſtram ſint quieti de Theloneo, & Leſtagio, & Paſſagio, & Pontagio, & Stallagio, & de Leve, & de Danegeld, & de [a] Ewagio, & de [b] Wrec, & [c] Lagan, & de omnibus aliis conſuetudinibus, Salva libertate Civitatis London, & quod ipſi rectam & Solitam firmam ſuam per manum ſuam reddant ad Scaccarium noſtrum, & quod nullam Sectam faciant Comitatuum vel Hundredorum niſi coram Juſticiariis noſtris; Et cum ſummoniti fuerint eſſe coram Juſticiariis mittant pro ſe duodecim legales homines B
de Burgo ſuo, qui ſint pro eis omnibus. Et ſi forte amerciari debuerint, per ſex probos homines de Burgo ſuo, & per ſex probos homines extra Burgum, amercientur. Conceſſimus etiam eis quod [*] filios & filias ſuas poſſint libere ubi voluerint in terra noſtra maritare, & viduas ſimiliter per conſilium amicorum ſuorum, & [*] perquiſitiones ſuas de terris & ædificiis in Villa ſua poſſint dare aut vendere, aut facere inde quod voluerint, & quando voluerint. Conceſſimus etiam eis [d] hanſam, & [e] Gildam Mercatoriam, ſicut habere C
conſueverint. Quare volumus & firmiter præcipimus, quod prædicti Burgenſes noſtri prænominatas libertates & liberas conſuetunines habeant, & teneant liberè, pacifice, & integre ſine omni impedimento. Teſtibus Euſtachio Elyenſi Epiſcopo, Willielmo Mareſchallo, Comitè de Pembroke, Johanne de Pratell, Ga.
Data per manum Huberti Cantuarienſis Archiepiſcopi, Cancellarii noſtri apud Rupem Aurmall Viceſimo nono Die Junii, Anno Regni noſtri primo. D

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[a] *Ewagium*, I know not what it means, unleſs it be here uſed for Aquagium, an Aquæ-Duct, or Water-Paſſage.

[b] *Wrec*, Goods thrown over-board, when the Ship is over-laden, or caſt away at Sea. Theſe belonged to the *Crown* in all places, and could not be injoyed but by ſpecial *Grant* or *Priviledge*.

[c] *Lagan*, from the old word *Liggen* or *Leggen*, Goods lying and found under Water, or in the *bottom* of the Sea. E

[*] Note; before they had the Kings *Licence*, the *Burgeſſes* could not *Marry* their *Sons* and *Daughters* to *whom*, and *where* they pleaſed, nor could *Widows Marry* themſelves, nor could the *Burgeſſes give* or *ſell* the *Lands* they purchaſed, without Licence, or before their Charter. And moſt probable it is, theſe were of the ſame *ſtate* and *condition* with the *Burgenſes Dominici*, in the Saxon times before the Conqueſt, who had the *King* or ſome other *Lords*, or great Men for their *Patrons*, and *Protectors*.

[d] *Hanſa*, from the German word *Hanſe*, which ſignifies a *Society*.

[e] *Gilda Mercatoria*, a *Trading Society*, a *Company* of *Buyers* and *Sellers*. The other words are all interpreted in the *Charter* of *Yarmouth*. F

Johannes

JOhannes Dei Gratia, &c. Sciatis quod remiſimus & perdonavimus Burgenſibus noſtris de Dunwico quadraginta libras in perpetuum de firma ſua quam nobis reddere ſolebant pro Villa de Dunwico, ſcilicet, de [a] ſexties viginti libris & viginti quatuor mille allecum & una Marca. Ita quod reddent nobis & hæredibus noſtris de cætero ſingulis annis quater viginti libras & viginti quatuor mille
A allecum & unam Marcam pro prædicta Villa de Dunwico tenenda in perpetuum ad feodi firmam. Quare, &c. quod prædicti Burgenſes noſtri & hæredes ſui quieti ſint in perpetuum a nobis & hæredibus noſtris de prædictis quadraginta libris de prædicta firma, ſicut prædictum eſt. Conceſſimus etiam eis & hac Carta noſtra confirmavimus quod non * namientur pro aliquo debito unde non fuerint vel plegii vel capitales debitores niſi ipſi ſuper hoc quieti in Juſticia exhibenda defecerint, & niſi in locis quibus libertatem & poteſtatem
B hujuſmodi namia capiendi conceſſimus. Teſtibus W. Comite Sarum, W. Comite Arundell, Willielmo Briwer, Hugone de Neville, Warino filio Geroldi, Thoma Baſſet. Data per manum Hugonis de Well Archidiaconi Wellenſis apud Freitmantell quinto die Novembris anno, &c. Septimo.

Cart. 7 Johan. m. 6. n. 45.

N. 3. b.

* Should not be diſtreined.

Dunwich *paid to the King* Three Hundred Marks *for to have their Liberties granted to them, in their Charter in the Firſt of King*
C John *beſides* Ten Falcons, *and Five* Girfalcons.

Dunewic [1] dat Domino Regi trecentas Marcas pro habendis Libertatibus ſuis ſecundum tenorem Cartarum ſuarum quas habebunt. Item dant pro eodem decem Oſterios, & quinque Girfalcones.

[1] Rot. oblat. 1 Johan. M. 19.

The Burgeſſes or Men of Dunewic *further gave the King an* Hundred
D Marks *of* Silver, *that they might have and enjoy their Charter of Liberties which was then detained, as may be ſuppoſed by what follows.*

Homines [2] de Dunewic dant Domino Regi centum Marcas Argenti ut Carta Domini Regis de libertatibus ſuis teneantur. Scilicet quinquaginta Marcas ad Paſcha, & quinquaginta Marcas ad Feſtum Sancti Michaelis.

[2] Ibid. M. 9.

E *The* Burgeſſes *of* Dunewich *gave more to the King* 200 *Marks and* 500 Eeles, *for having* Wrec *and* Lagan *inſerted into, or* Granted *by their Charter, and the* Charter *was* delivered *to* Geofry Fitz-Peter, *until proviſion was made for the* Security *of* 300 Marks *firſt promiſed, and* 100 Marks promiſed *the ſecond time.*

Burgenſes [3] de Dunewic dant Domino Regi ducentas Marcas & quinque mille Anguillarum pro habenda Wrec & Lagan in Carta ſua
F Cartam G Fil. Petri ut provideatur de ſecuritate de trecentis Marcis primo promiſſis, & de centum Marcis ſecundo promiſſis.

[3] Ibid. M. 1.

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[a] Note, the great Fee-Farm Rent of this now poor Town, it was almoſt *twice* as *much* as any, and more than *twice* as *much* as moſt *Coaſt-Towns* in *Norfi.* and *Suff.* then paid.

Cart. 51 H. 3. M. 10. N. B. by *Inſpeximus*. Note, there are in this Roll two M. 10.

N. 4.

HEnricus Dei gratia Rex Angliæ, &c. Archiepiſcopis, Epiſcopis, &c. Salutem. Inſpeximus Cartam quam bonæ memoriæ Henricus quondam Rex Angliæ Avus noſter fecit Burgenſibus Wallingfordiæ in hæc verba.

Henricus Dei gratia Rex Angliæ, & Dux Normanniæ & Aquitaniæ & Comes Andegaviæ Archiepiſcopis, &c. & fidelibus totius Angliæ & Normanniæ, Franciæ & Aquitaniæ, Salutem. Præcipio vobis ut *Burgenſes* mei de Wallingford firmam pacem meam habeant per totam terram meam Angliæ & Normanniæ ubicunque ſint; & ſciatis me dediſſe & conceſſiſſe eis imperpetuum libertates & leges ſuas omnes & conſuetudines bene & honorifice ſicut melius & honorabilius eas habuerunt [a] tempore Edwardi Regis & tempore Atavi mei Regis Willielmi, & ejus filii alterius Regis Willielmi & tempore Henrici Regis Avi mei, *ſcilicet*, Gildam Mercatoriam cum omnibus conſuetudinibus & legibus ſuis libere habeant, ne * Præpoſitus meus vel aliqua Juſticia mea de Gilda eorum ſe intromittat niſi proprie Aldermannus & Miniſter eorum. Et ſi Miniſtri mei vel aliqua Juſticia aliquo placito vel occaſione calumpniaverit illos, vel in cauſam ducere voluerit, prohibeo & præcipio ne ullo modo reſpondeant niſi illorum proprio portimoto. Et ſi ipſe Præpoſitus eos aliqua occaſione ſine calumpniatore implacitaverit non reſpondeant. Et ſi aliquo forisfacto vel recto judicio aliquis eorum forisfactus fuerit per rectam conſiderationem *Burgenſium* erga Præpoſitum illud emendet. Prohibeo etiam & præcipio ne aliquod Mercatum ſit in [b] Craumerſa, nec Mercator aliquis niſi ſit [c] Gilda Mercatoria, & ſi aliquis exierit de *Burgo* Wallingford, & vivat de Mercato ipſius Wallingford, præcipio ut rectum Gildæ Mercatoriæ faciat ipſis *Burgenſibus* ubicunque ſit infra *Burgum* vel extra. Sciatis præterea me dediſſe & conceſſiſſe imperpetuum omnibus hominibus Wallingford plenam quietanciam de annuo [d] Gablio meo quod ſolebant reddere de *Burgo* Wallingford, de eo, ſcilicet, quod ad me pertinet in *Burgo* has leges & conſuetudines, & libertates & quietancias omnes

A B C D

* Officer or Sheriff.

[a] *Modo ſunt in ipſo Burgo Conſuetudines omnes ut ante fuerunt*, This follows in a diſtinct Line by itſelf, immediately after what is written out of *Domeſday* Book further on. The word *Conſuetudines* here ſeems to ſignifie *Rents*, and the whole to ſound no more, than that the *Rents* of Houſes were not raiſed in that Burgh after the Conqueſt; or they might have the ſame other Cuſtoms, though they paid more for them, for the Farm of the Town was raiſed from 30 to 60 *l. per Annum*, *Domeſd.* f. 56. b. Col 1.

E

[b] *Craumerſa* is a Village or ſmall place over againſt *Wallingford Caſtle* or the Town, where there was an Anti-Caſtle or Fortreſs built, to reſtrain and keep in the Gariſon in that Caſtle in the time of King *Stephen*; this appears by the great Ditches and Trenches to be ſeen before the place where the great Caſtle-Gate was.

[c] At this time it was thought a great *Privilege* at leaſt, if not a *Livelihood* to be a *Member* of a *Trading* or *Merchant-Gild*; and where-ever a *Burgeſs* dwelt, if he lived upon, or uſed the *Mercate* of *Wallingford*, he was to *perform* all *Duties* to the *Gild*, and be *judged according* to the *Rules* and *Laws* of it, whether he *lived* within a *Burgh*, or without. *Et ſi quis exierit de Burgo Wallingford, & vivat de Mercato ipſius Wallingford, præcipio ut rectum Gildæ Mercatoriæ faciat ipſis Burgenſibus, ubicunque ſit, infra Burgum, vel extra.*

F

[d] *In Burgo de Wallingford habuit Rex Edwardus octo virgatas Terræ, & in his erant 276 Hage reddentes undecim libras de Gable, & qui ibi manebant faciebant Servitium Regis, cum Equis, vel per Aquam uſque ad Bidberiam, Reddinges, Sudtone, & Benſentone* (all Towns in *Berkſhire*) *& hoc facientibus dabat Præpoſitus* (Burgi) *Conredium* (their Diet) *non de cenſu Regis ſed de ſuo*, Domeſd. f. 56. a. Col. 2. *Blubery, Reding, Sutton-Courtney* and *Beſingeton* all in *Berkſhire*, upon or near the *Thames*, *above* and *below Wallingford*, and the ſervice here meant was *Water* and *Land* Carriage.

dono

dono eis, & concedo imperpetuum, & alias omnes quas poterunt oſtendere anteceſſores ſuos habuiſſe libere, quiete, & honorifice ſicut Cives mei Winton melius unquam habuerunt, & hoc pro Servitio & labore magno quem pro me ſuſtinuerunt in acquiſitione hæreditarii juris mei in Anglia. Concedo etiam eis quod ubicunque ierint in Mercationibus ſuis per totam terram meam Angliæ & Normanniæ, Aquitaniæ & Andegaviæ, *by* Gater *and by* Stronde, *by* Wode
A *and by* Londe, quieti ſint de Tolneto & Paſſagio & omnibus Conſuetudinibus & Exactionibus, ne ſuper hoc ab aliquo inquietentur ſuper forisfacturam decem librarum. Prohibeo etiam & præcipio ſuper eandem forisfacturam ne Præpoſitus Wallingford [e] Scotaliam faciat, & ne [f] Gereſumam ab aliquo quærat, & quod nullam conſuetudinem in Wallingfordia ſtatuat quæ noceat *Burgenſibus* Villæ hujus Donationis & Conceſſionis. Teſtes ſunt Thebaldus Archiepiſcopus Cantuarienſis & alii. Data apud Oxeneford primo Idus
B Januarii. Nos autem prædictas donationem & conceſſionem ratas habentes & gratas eas pro nobis & hæredibus noſtris, prædictis *Burgenſibus* & eorum Succeſſoribus concedimus & confirmavimus prout Carta prædicta rationabiliter teſtatur. Volumus etiam & concedimus pro nobis & hæredibus noſtris quod licet *Burgenſes* prædicti a principio turbationis dudum poſt Parliamentum habitum apud Oxon in Regno noſtro ſuſcitatæ, aliquo articulorum libertatum prædictarum minus plene hactenus uſi fuerint ipſi tamen & eorum Succeſſores
C nichilominus de cætero libere & ſine impedimento aliquo utantur libertatibus ante dictis ſicut prædictum eſt. His teſtibus Roberto Walraund, Roberto Aguyloun, Nicholao de Leukenore, Willielmo de Aete, Johanne de La Lynde, Petro de Neville, Radulpho de Bakepuz, Willielmo Belet, Bartholomæo Bigod, & aliis. Data per manum noſtram apud VVeſtmonaſterium duodecimo die Januarii, Anno Regni noſtri quinquageſimo primo.

D

[e] *Scotale* from *Scot*, a gathering or *ſhot*, and *Ale* in the known ſignification, *Scotales* were *abuſes* put upon the *Kings People* by his *Officers*, who *invited* them to *drink Ale*, and then made a *Collection*, to the end they ſhould not *vex* or *inform* againſt them, for the *Crimes* they had *committed* or ſhould *commit*. — *Scotale*, what it was.

[f] *Gereſumma*, or ſometime *Jereſumma*, is properly an *Income* or *Fine* paid for the *entrance* upon *ſome Place*, *Eſtate* or *Office*. Here it ſignifies plainly a *Bribe*, or *Money* given to the *Kings Officer* to *connive* at, and not to *proſecute* thoſe that *gave* it in *Criminal Caſes*. — *Gereſumma*, or *Jereſumma*.

E *This was a large* Charter, *and was granted unto the Burgeſſes of* VVallingford *for the* good ſervice *they did King* Henry *the Second, and his Mother* Maud *the* Empreſs, *againſt King* Stephen.

F

Ricardus

Cart. 5 Ricardi 1.

N. 5.

RIcardus Dei Gratia Rex Angliæ, &c. Archiepiſcopis, Epiſcopis, &c. Salutem. Sciatis nos retinuiſſe in manum noſtram Burgum noſtrum de Porteſmue, cum omnibus ad eum pertinentibus, & in eo ſtabiliſſe & dediſſe & conceſſiſſe *Nundinas* duraturas ſemel in anno per *quindecem dies* ad vincula Sancti Petri, ſcilicet. Conceſſimus etiam quod omnes homines Angliæ, Normanniæ, Pictaviæ, Walliæ, Scotiæ & omnium terrarum noſtrarum, & aliarum veniant ad præd.ctas Nundinas, & eant & redeant bene & in pace, & habeant omnes quietancias & libertates quas habent ad Nundinas Winton, vel Hoiland, vel alibi in terram noſtram. Conceſſimus etiam quod *Burgenſes* noſtri in eodem *Burgo* habeant ſingulis Ebdomadis anni una die ſeptimanæ, ſcilicet die Jovis, Mercatum cum omnibus libertatibus & liberis conſuetudinibus quas cives noſtri Wintoniæ, vel Oxoniæ vel alii terrarum noſtrarum habent vel habere debeant. Conceſſimus etiam quod prædicta Villa de Porteſmue, & omnes *Burgenſes* noſtri in eâ, & de ea tenentes ſint quieti & liberi de Thelonio, & Pontagio, & Paſſagio, & * Pedagio, & Paagio, & Stallagio & Tallagio, & de Schiris, & Hundredis, & de Sectis Schirarum & Hundredorum & de ſummis, & auxiliis Vicecomitum & Servientium & de placitis & querelis omnibus, & de [a] *Blodwyta*, & de [b] *Sichwyta*, & de [c] *Leirewyta*, & de [d] *Wapentake*, & de *placito* Foreſtæ, & *Guardo*, & [e] *Regyardo* Foreſtæ, & de omnibus aliis ſecularibus exactionibus tam per mare quam per terram ubicunque venerint in totam terram noſtram. Quare volumus & firmiter præcipimus, quod prædicta Villa de Porteſmue, & Burgenſes noſtri in ea tenentes Manſiones ſuas & poſſeſſiones habeant & teneant, cum *Thol*, & *Theam*, & *Infangenetheof*, & *Utfangenetheof*, & cum omnibus libertatibus & liberis conſuetudinibus ita bene & in pace, libere & quiete ſicut Cives noſtri Wintoniæ, vel Oxoniæ, vel alii de terra noſtra melius habent & tenent. Et prohibemus ne ponantur in placitum de aliquo tenemento ejuſdem Villæ, niſi coram nobis. Et prohibemus ne quis eos diſturbet in aliquo ſuper forisfacturam * noſtram. His teſtibus, &c. Data per manum Willielmi de Longo Campo Elyenſis Epiſcopi Cancellarii noſtri apud Porteſmue. Secundo die Maii, Anno Regni noſtri quinto.

A B C D

* *Pedagium* and *Paagium* are the ſame.

* *i. e.* 10 Lib.

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[a] *Blodewyta*, a *Mulct* or *Amerciament* for drawing Blood.

[b] *Sichwyte*, I know not what it is. E

[c] *Leirwyte*, *Lairwyte*, *Legerwyte*, a *Mulct* upon him that *corrupted* a *Bondwoman*, or upon a *Bondman* for the *Fornication* of his Daughter.

[d] Free from *Suit* and *Service* to the *Wapentake Court*, as before from *Suit* and *Service* to the *County* or *Shire Court*, and Hundred Courts.

[e] *Regard*, &c. There were in the Kings Foreſts certain Officers called *Regardatores*, now called *Rangers*, who often viewed and went about the Foreſts, to ſee if any Wood was cut, Veniſon ſtoln, and other Treſpaſſes committed therein; which view or inſpection was called a *Regard*; as likewiſe was the *puniſhment* for ſuch Offences and Treſpaſſes. F

Johannes

JOhannes Dei gratia, &c. Sciatis nos conceſſiſſe hominibus de Andever quod habeant Gildam Mercatoriam in Andever & quod ſint quieti de Theloneo & Paſſagio & conſuetudine per totam terram noſtram ſicut Burgenſes Wintoniæ qui ſunt de Gilda Mercatorum ſunt quieti, & ſuper hoc nullus eos injuſte diſturbet pro conſuetudine ſuper decem librarum forisfactura, ſicut Cartæ Henrici Patris noſtri, & Ricardi Fratris noſtri quas inde habent rationabiliter teſtantur. Teſtibus R. Comite Ceſtriæ, Warino filio Geroldi, W. de Braoſa, Petro filio Herberti, Henrico Biſſet, Hugh de Laſcy, Petro de Stok. Data per manum J. de Well apud Radinge primo die Maii Anno Regni noſtri ſexto.

Cart. 6 Johan. n. 15.

N. 6.

JOhannes Dei gratia, &c. Sciatis nos dediſſe & conceſſiſſe & hac præſenti Carta noſtra confirmaſſe dilecto & fideli noſtro Willielmo Briwer quod *Bruge* Walteri ſit liberum *Burgum* & quod ibi ſit liberum Mercatum, & una feria ſingulis annis per octo dies duratura, ſcilicet, a die Nativitatis Beati Johannis in octo dies cum Theloneo, Paagio, Pontagio, Paſſagio, Leſtagio, Stallagio & cum omnibus aliis libertatibus & liberis conſuetudinibus ad liberum *Burgum* & ad Mercatum & Feriam pertinentibus. Conceſſimus etiam prædicto Willielmo quod prædicti *Burgenſes* ſui de prædicto *Burgo* ſint liberi *Burgenſes*, & ſint quieti de Theloneo, Paagio, Pontagio, Paſſagio, Leſtagio & Stallagio, & habeant omnes libertates, & liberas conſuetudines & quietancias quæ ad nos pertinent per totam terram noſtram, & per omnes portus terræ noſtræ, excepta Civitate London. Quare volumus & firmiter præcipimus quod prædictus Willielmus & hæredes ſui p ſt ipſum habeant & teneant omnia prædicta bene, & in pace, libere & quiete, integre, plenarie, & honorifice cum omnibus libertatibus & liberis conſuetudinibus ſuis ſicut prædictum eſt. Teſtibus W. Mareſcallo Comite de Penbroc, R. Comite Ceſtriæ, Willielmo Comite Sarum, Willielmo de Rupibus Seneſchallo Andegaviæ, &c. Data per manus S. Wellens Archidiaconi Glouceſtriæ apud Turon vjceſimo ſexto die Junii, Anno Regni noſtri ſecundo.

Cart. 2 Johan. p. 2. n. 132.

N. 7.

JOhannes Dei gratia, &c. Sciatis nos conceſſiſſe & præſenti Carta noſtra confirmaſſe, quod Burgus noſter de Helleſton ſit liber Burgus & quod Burgenſes noſtri de eadem Villa habeant Gildam Mercatoriam & quietanciam per totam terram noſtram de Theloneo, Pontagio, Paſſagio, Stallagio, Leſtagio & [4] Sollagio ſalvis in omnibus libertatibus Civitatis London. Concedimus etiam eis quod non placitent niſi infra Burgum ſuum de rebus vel tenuris pertinentibus ad villam ſuam præterquam de placitis ad Coronam noſtram pertinentibus & placitis de terris forinſecis. Volumus etiam quod

Cart. 2 Johan. n. 47.

N. 8.

habeant

[4] I know not the meaning of *Sollagium*, unleſs it be inſtead of *Seldagium*, a Payment for ſtanding in a Shed.

habeant omnes alias libertates & liberas consuetudines quas habuerunt Burgenses nostri de Castello de Lancestón tempore Regis Henrici Patris nostri. Ita quod nullus Burgensium prædictorum [b] nisi residens fuerit in prædicta Villa de Hellestón has habebit libertates. His testibus W. Comite Sarum, W. Briwer, Roberto de Turnham, Roberto de Tresgos, Sim. de Pateshul, Radulpho de Stok, Eustachio de Faruberge. Data per manum S. Wellensis Archidiaconi apud Craneburn decimo quinto die Aprilis, Anno Regni nostri secundo. A

Rot. Cart. 5 Johan. n. 112.

N. 9.

JOhannes Dei Gratia, &c. Noveritis nos ad instantiam & petitionem venerabilis Patris nostri Johannis Norwicensis Episcopi Secundi, concessisse & hac præsenti Carta nostra confirmasse quod Villa de Lenna sit liber Burgus in perpetuum, & habeat omnes libertates & liberas consuetudines quas [c] liberi Burgi habent, omnibus salvis ipsi Episcopo & Successoribus suis, & Willielmo Comiti Arundell, & hæredibus suis libertatibus & consuetudinibus quas ipsi in prædicta Villa antiquitus habuerunt. Quare volumus & firmiter præcipimus quod prædicta Villa de Lenna sit liber Burgus in perpetuum & habeat omnes libertates & consuetudines liberas quas liberi Burgi nostri habent in omnibus bene & in pace, libere & quiete, & integre, plenarie & honorifice sicut prædictum est. Testibus Domino Cantuariensi Archiepiscopo, W. London Episcopo, G. filio Petri Comite Essex, R. Comite Cestriæ, Gaufrido de Say, &c. Data per manum Summi Præpositi de Beverl, &c. apud Lamhe Vicesimo Septimo Die Januarii Anno Regni nostri quinto. B C

Cart. 2 Johan. n. 19.

N. 10.

JOhannes Dei Gratia, &c. Sciatis non concessisse & hac præsenti Carta nostra confirmasse hominibus de Hertlepole quod sint liberi Burgenses, & quod habeant easdem libertates & leges in Villa sua de Hertlepole quos Burgenses nostri de Novo Castello super Tinam habent in Villa sua de Novo Castello. Quare volumus & firmiter præcipimus quod prædicti Burgenses habeant & teneant prædictas libertates & leges bene, & in pace, libere, & quiete, & integre sicut prædictum est. His Testibus Willielmo de Stutevill, Hugone Bard, Petro de Patell, Willielmo Briwer, Hugone de Neville, Roberto de Ros, Eustachio de Vescy, Petro de Bruis, &c. Data per manum S. Wellensis Archidiaconi apud Dunelm. Octavo Die Februarii, Regni nostri Anno Secundo. D E

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[b] Note here, if the Burgesses were not resident in the Burgh, they were not to enjoy the Liberties of it.

[c] Note, from hence it appears there were a certain number of Liberties, which made a free Burgh, and they were no other than what were usually granted by Charter to free Burghs, and such as are ordinarily mentioned in these Charters. F

REX

Clauſ. 22. H. 6. m. 25. Dorſ. De Proclamatione facienda.

N. 11.

REX Majori & Vicecomitibus London, Salutem. Cum per Cartas Progenitorum noſtrorum quondam Regum Angliæ quas confirmavimus, conceſſum ſit Civibus noſtris Civitatis prædictæ quod Majorem & Aldermanos de ſe ipſis quos voluerint eligant & ipſos, nobis apud Weſtmonaſterium non exiſtentibus, Theſaurario & Baronibus noſtris de Scaccario præſentent, ut ibidem prout moris eſt admittantur; Ac jam intellexerimus quod quamquam hujuſmodi electiones per Majorem & Aldermannos nec non diſcretiores dictæ Civitatis ad hoc ſpecialiter ſummonitos & præmunitos temporibus retroactis fieri conſueverint, nonnulli tamen qui aliquod intereſſe in electionibus hujuſmodi non habent nec habere debent electionibus illis auſu temerario ſe ingerunt, immiſcent, & multociens electiones, quæ rite & pacifice fierent, ſuis validis clamoribus & importunis multipliciter impediunt & perturbant, ad intentionem quod tales eligerentur qui ſuis malefactis & erroribus poſtmodum favere poſſent, & ea ſub diſſimulatione dimittere impunita; quod ſi fieri permitteretur, in noſtri ac Coronæ & dignitatis noſtræ læſionem, necnon ſtatus Civitatis prædictæ ſubverſionem civiumque noſtrorum ibidem perturbationem & commotionem cederet manifeſte. Nos igitur quieti & tranquillitati populi nobis ſubjecti providere & congruum remedium in hac parte volentes adhibere, ut tenemur, vobis præcipimus firmiter injungentes, quod ante tempus electionis Majoris Civitatis prædictæ proximo faciendæ per totam Civitatem illam & libertatem ejuſdem ex parte noſtrâ publice proclamari & firmiter inhiberi faciatis, ne quis hujuſmodi electioni niſi qui de jure & ſecundum conſuetudinem Civitatis prædictæ intereſſe debeat, illi interſit, quovis modo nec ſe de electione illa quoquo quæſito colore intromittat, neque eam impediat, vel perturbet, ſed quod electio illa per Aldermannos & alios Cives diſcretiores & potentiores Civitatis prædictæ ad hoc ſpecialiter præmunitos & ſummonitos fiat & habeatur, prout ſecundum conſuetudinem ſupradictam fuerit facienda. Scientes pro certo, quod ſiquem alio modo quam ut præmittitur electum nobis vel Theſaurario & Baronibus de Scaccario præſentaveritis, illum nullatenus admittemus, & omnes illos quos contrarium proclamationis & inhibitionis prædictarum inveneritis facientes areſtetis, & eos priſonæ noſtræ committatis ibidem moraturos, quouſque pro eorum deliberatione duxerimus demandandum. Teſte Rege apud Weſtmonaſterium Septimo die Octobris.

Per Conſilium.

Retorn. Brev. Parl 34 Ed. 1. & Clauſ. 34 Ed. 1. m. 15. in Cedula.

N. 12.

EDwardus Dei Gratia Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ Vicecomiti Bedford & Buckingham, Salutem. Quia ordinavimus quod Edwardus filius noſter primogenitus in feſto Penteçoſtes proximo futuro, Deo propitio, cingulo Militiæ decoretur, per quod de jure Coronæ noſtræ in hujuſmodi caſu auxilium fieri nobis debet, tibi præcipimus quod de utroque Comitatu tuo duos Milites & de qualibet Civitate in Balliva tua duos Cives & de quolibet Burgo duos Burgenſes vel unum ſecundum quod Burgus fuerit major vel minor venire facias coram nobis & conſilio noſtro apud Weſtmonaſterium in Craſtino Sanctæ Trinitatis proximo futuræ ad tractandum

& ordinandum de auxilio nobis in caſu prædicto faciendo, & ad conſentiendum hiis quæ ordinabuntur in hac parte. Scire etiam facias Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, & aliis viris religioſis per totam Ballivam tuam quod per ſe vel ſufficientes procuratores vel attornatos ſuos tunc ſint ibidem ad tractandum & ordinandum ſimiliter de præmiſſis ac ad conſentiendum eiſdem prout ſuperius eſt expreſſum, & habeas ibi nomina Militum, Civium & Burgenſium prædictorum, & hoc Breve. Teſte Meipſo apud Wynton quinto die Aprilis, Anno Regni noſtri triceſimo quarto. A

Inter Communia Brevia de Terminis Sanctæ Trinitatis, Anno Regni Regis Ed. 1. 34 Rot. *vel* N. 40. *penes Remem. Regis in Scaccario.* B

Anglic. de auxilio Conceſſo ad Militiam Regis.

N. 13.

MEmorandum quod cum nuper Dominus Rex ordinaſſet quod Edwardus filius ſuus primogenitus in feſto Pentecoſtes, Anno Regni ſui triceſimo quarto Cingulo Militiæ decoraretur, Et Mandatum eſſet Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & aliis Magnatibus Regni quod eſſent coram ipſo Domino Rege & Concilio ſuo apud Weſtmonaſterium in Craſtino Sanctæ Trinitatis proximo ſequenti ad tractandum & ordinandum de auxilio Regis faciendo ad Militiam prædictam & ad conſentiendum hiis quæ ulterius ordinarentur in hac parte, vel quod procuratores aut attornatos ſuos ſufficienter inſtructos ad præmiſſa loco eorum facienda mitterent tunc ibidem. C

Ac etiam præceptum fuiſſet ſingulis Vicecomitibus Angliæ, quod eorum quilibet venire faceret de Comitatu ſuo ad præfatos diem & locum duos Milites & de qualibet Civitate Ballivæ ſuæ duos Cives, & de quolibet Burgo ejuſdem Ballivæ ſuæ duos Burgenſes, vel unum, &c. ad tractandum, ordinandum & conſentiendum ſicut prædictum eſt. D

Venerunt perſonaliter coram Rege & Concilio ſuo apud Weſtmonaſterium, ad diem illum Antonius Bek Patriarcha Jeroſolomitanus Epiſcopus Dunelmenſis, W. de Langeton Coventrenſis & Lichfieldenſis, Radulfus de Baldok London, Epiſcopi, H. de Lacy Comes Lincolniæ, J. de Warenna Comes Surriæ, R. de Monte Hermerii Comes Glouceſtriæ & Hertfordiæ, H. de Boun Comes Herefordiæ, G. de Bello Campo Comes Warwici, Robertus filius Walteri, Hugo le Diſpenſer, Johannes de Haſtinges, Hugo de Veer, Willielmus Martyn, Henricus le Tyeys, Johannes Lovel, Rogerus de Mortuomari, Johannes de Mohun, Alanus la Zouche, Willielmus de Leyburn, & Robertus de Burgherſh, Cuſtos Quinque Portuum cum quibuſdam Baronibus Portuum eorundem. E

Ac

Ac etiam per Procuratores & Attornatos Robertus Cantuarienſis & Willielmus Eborum Archiepiſcopi, Thomas Exonienſis, Richardus Herefordenſis, Johannes Wintonienſis, Johannes Ciceſtrenſis, Thomas Roffenſis, Robertus Elyenſis, Johannes Norwicenſis, Johannes Lincolnienſis, Simon Sarum, Willielmus Wigornienſis, Walterus Bathonienſis & Wellenſis, & Johannes Karliolenſis Epiſcopi; Abbates
A Weſtmonaſterii, Sancti Edmundi, Sancti Auguſtini Cantuariæ, Sancti Albani, Glaſtoniæ, *Burgi* Sancti Petri, Rammeſeye, Thorneye, Seleby, & Malmesbury, Sancti Petri Glouceſtriæ; Rogerus Comes Norfolciæ & Mareſcallus Angliæ, Thomas Comes Lancaſtrenſis, Edmundus Comes Arundel, & quam plures alii Prælati, Magnates, & Proceres Regni, nec non de quolibet Comitatu Regni ejuſdem duo Milites, & de qualibet Civitate duo Cives & de quolibet *Burgo* duo
B *Burgenſes* electi per Communitates Comitatuum, Civitatum, & *Burgorum* eorundem ad præmiſſa, loco Communitatum eorundem, tractanda, ordinanda & conſentienda ſimiliter venerunt.

Quibus prædictis omnibus congregatis coram Concilio Regis prædicto ipſiſque oſtenſo per idem Concilium ex parte Regis quod de jure Coronæ Regiæ auxilium Domino Regi fieri debuit in caſu prædicto; Ac etiam quod expenſæ multiplices & alia quam plura onera eidem Domino Regi incumbent ad rebellionem & malitiam Ro-
C berti de Brus proditoris ipſius Domini Regis & ſibi in partibus Scotiæ adhærentium, qui adverſus ipſum Regem jam in illis partibus guerram movere præſumpſerunt, reprimendas.

Iidem Prælati, Comites, *Barones*, & alii Magnates, nec non Milites Comitatuum Tractatum ſuper hoc cum deliberatione habentes conſideranteſque auxilium deberi ut prædictum eſt, & quam plura onera Regi incumbere propter guerram prædictam, tandem unani-
D miter Domino Regi conceſſerunt pro ſe & tota Communitate Regni triceſimam partem omnium bonorum ſuorum temporalium mobilium, quæ ipſos habere contiget in Feſto Sancti Michaelis proximo futuro, habendam pro auxilio eidem Domino Regi competente ad Militiam filii ſui prædicti, ac etiam in Auxilium Miſarum quas ipſe
E eſt facturus circa guerram prædictam; ita tamen quod iſta conceſſio ipſis vel eorum Succeſſoribus aut hæredibus futuris temporibus nullatenus cedat in præjudicium, nec in caſu hujuſmodi trahatur in exemplum, & quod in taxando bona prædicta excipiantur omnia quæ in taxatione Quintæ-Decimæ a Communitate Regni Domino Regi anno Regni ſui decimo octavo conceſſæ propter exilium Judæorum fuerunt exceptæ.

Cives quidem & *Burgenſes* Civitatum ac *Burgorum* ac cæteri de Dominicis Regis congregati & ſuper præmiſſis tractatum habentes conſideranteſque onera Domino Regi incumbentia ut præmittitur,
F eidem Domino Regi unanimiter conceſſerunt ob cauſas ſupradictas viceſimam partem bonorum ſuorum mobilium habendam ut prædictum eſt.

Inter Communia Brevia de Term. Sancti Mich. Anno 34 Ed. 1. penes Remem. Theſaurar. in Scaccario.

Memorandum quod ad craſtinum Sanctæ Trinitatis proximo præteritum Prælati & cæteri Magnates Regni pro ſe & tota Communitate ejuſdem Regni conceſſerunt Domino Regi Triceſimam bonorum

ſuorum omnium temporalium extra Civitates, *Burgos*, & Dominica Domini Regis; & Cives, & *Burgenſes*, & tenentes Dominicorum prædictorum, viceſimam bonorum ſuorum tam ad Miliciam Edwardi filii Regis prædicti, quam ad ſubſidium defenſionis terræ Scotiæ contra Robertum de Brus, & ipſius Complices inimicos Regis, &c.

Retorn. Parl. 2 Hen. 5.

N. 14.

HÆc Indentura facta apud Ivelceſtre Die Lunæ 12 Die Novembris, Anno Regni Regis Henrici Quinti poſt Conqueſtum ſecundo inter Walterum Hungerford Militem Vicecom. Somerſet in pleno Comitatu eodem Die ibidem tento ex parte una, & Radulphum Hunt Majorem Civitatis Bathon. Johannem Skittiſh, Johannem Savage, & Johannem Haygoby Cives Civitatis prædictæ, qui de aſſenſu totius Communitatis Civitatis prædictæ, Eligerunt Ricardum Wydecombe, & Willielmum Radeſtoke Duos Cives pro Communitate Civitatis prædictæ, Eſſend. apud Weſtminſter ad Parliamentum Domini Regis tenendum Die Lunæ proximo poſt Octavas Sancti Martini proximo futuras, ſecundum formam Brevis Domini Regis quod eſt huic annex. eidem Vicecomiti inde Direct. & Johannem Herewode, Johannem Ruſſel, Walterum Dyere, & Lucam Wilton *Burgenſes Burgi* de Wells, qui in forma prædicta Eligerunt Thomam Dynt, & Johannem Hindon duos *Burgenſes Burgi* prædicti Eſſend. tunc ibidem pro Communitate *Burgi* prædicti ſecundum formam prædicti Brevis. Et Johannem Ward, Willielmum Goſſe, Ricardum Ward, & Thomam Cave, *Burgenſes Burgi* de Bruggewater, qui in forma prædicta Eligerunt Willielmum Gaſcoigne, & Johannem Redwelly duos *Burgenſes Burgi* prædicti ſecundum formam dicti Brevis. Et Thomam Wiger, Walterum Portman, Edmundum Tailleur, & Johannem Northmore, *Burgenſes Burgi* de Taunton, qui in forma prædicta Eligerunt Johannem Merchant & Edmundum Dyere duos *Burgenſes Burgi* prædicti, Eſſend. tunc ibidem pro Communitate *Burgi* prædicti ſecundum formam prædicti Brevis, Dantes & Concedentes Civibus & *Burgenſibus* prædictis plenam & ſufficientem poteſtatem, pro ſe & Communitate Civitatis & *Burgorum* prædictorum ad faciendum & conſentiendum iis quæ tunc ibidem de Communi Conſilio ordinari contigerit ſuper negotiis inibi Tractandis. In cujus Rei Teſtimonium, &c.

A B C D E F

Here were Returned to this Parlement Citiſens only for the City of Bath, *and three Burghs,* Wells, Bridgwater *and* Taunton *in the County of* Somerſet. *Three of the preſent Burghs being omitted,* Minehead, Milborn-Port *and* Ilcheſter, *notwithſtanding the County-Court was holden there, in which the Election was made.*

The words of the Indenture or Return for Dorſetſhire *for this Parlement are the ſame with the words of this,* (mutatis mutandis) *there being then the ſame Sheriff for both Counties.* Pool *and* Corf-Caſtle, *two only of the preſent Burghs, were omitted.*

*

Henricus

Breve & Retorn. Parl. 2 Hen. 5.

Wiltſhire.

N. 15.

HEnricus Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ Vicecomiti Wilts, Salutem; Quia de aviſamento conſilii noſtri, pro quibuſdam arduis & urgentibus negotiis nos, ſtatum & defenſionem regni noſtri Angliæ ac Eccleſiæ Anglicanæ contingentibus, quoddam Parliamentum noſtrum apud Weſtmonaſt. die Lunæ
A proximo poſt Octavas *Sancti Martini* proximo futuras teneri ordinavimus, & ibidem cum Prælatis, Magnatibus & Proceribus dicti regni noſtri colloquium habere & tractatum: Tibi præcipimus firmiter injungentes, quod facta proclamatione in proximo Comitatu tuo poſt receptionem hujus Brevis, tenend. de die & loco prædictis, duos Milites gladiis cinctos, magis idoneos & diſcretos de Comitatu prædicto; & de qualibet Civitate Comitatus illius duos Cives; & de quolibet Burgo duos Burgenſes de diſcretioribus & magis ſufficien-
B tibus libere & indifferenter per illos qui Proclamationi hujuſmodi interfuerint, juxta formam ſtatuti inde editi & proviſi, eligi ac nomina eorundem Militum Civium & Burgenſium ſic eligendorum in quibuſdam Indenturis inter te & illos, qui hujuſmodi electioni interfuerint, inde conficiendis, licet hujuſmodi eligendi præſentes vel abſentes fuerint, inſeri eoſque ad dictos diem & locum venire facias. Ita quod iidem Milites plenam & ſufficientem poteſtatem pro ſe & Communitate Comitatus prædicti & *dicti Cives & Burgenſes pro ſe &*
C *Communitatibus Civitatum & Burgorum prædictorum diviſim ab ipſis habeant* ad faciend. & conſentiend. hiis, quæ tunc ibidem de communi conſilio dicti regni noſtri, favente domino, ordinari contigerit ſuper negociis antedictis. Ita quòd pro defectu poteſtatis hujuſmodi ſeu propter improvidam electionem Militum, Civium aut Burgenſium prædictorum dicta negocia infecta non remaneant quovis modo. Nolumus autem, quod tu ſeu aliquis alius Vicecomes regni noſtri prædicti aliqualiter ſit electus & electionem tuam in ple-
D no Comitatu tuo factam diſtincte & aperte ſub ſigillo tuo & ſigillis eorum, qui electioni illi interfuerint, nobis in Cancellaria noſtra ad dictos diem & locum certifices indilatè, Remittens nobis alteram partem Indenturarum prædictarum præſentibus conſutam, una cum hoc Brevi. Teſte meipſo apud Weſtmonaſt. Viceſimo ſexto die Septembris, Anno Regni noſtri ſecundo.

WROTEHAM.

E Dorſo. *Ego Elias de la Mare, Vicecomes, vobis ſignifico*, quod Breve iſtud in omnibus executus ſum ſecundum tenorem & effectum ejuſdem, *prout in altera parte Indenturarum inde confectarum & in quadam cedula huic Brevi conſutâ plenius continetur.*

F

Hac

HÆc Indentura facta apud Wilton in pleno Comitatu Wilts, tento die Martis proximo ante feſtum Omnium Sanctorum, Anno Regni Regis Henrici quinti poſt Conqueſtum ſecundo inter Eliam de la Mare Vicecomitem Comitatus prædicti ex parte una, & Willielmum Danngens, Johannem atte Borwe, Willielmum Beſiles, Robertum Erle, Nicholaum Lye, Robertum Aſshelegh, Thomam Martyn, Johannem Wichford, Laur. Gowayn, Thomam Godefray, Johannem Brid, Johannem Benger, Johannem Byngham, Johannem Niweton, Henr. Stauley, Johannem Perham, Rogerum Alewyne, Johannem Hardy, Thomam Hat, Thomam Vellard, Johannem Billyndon, Rogerum Wodman, Johannem Coof, Thomam Shawe, Thomam Stabbere, Ricardum Hoke, Jacobum Hemyngby, Galfridum Cowebrigge, Willielmum Depeden, & Johannem Warham ex parte altera, teſtatur quod prædictus Willielmus Danngens & omnes alii ſuperius nominati ad diem & locum ſupradictos exiſtentes, & per prædictum Vicecomitem Virtute Brevis Domini Regis eidem Vicecomiti directi & huic Indenturæ conſuti ſingulariter examinati elegerunt Willielmum Eſturmy Chivaler, & Thomam Bonham Milites pro Communitate Comitatus prædicti, & ſimiliter elegerunt Walterum Shirle & Johannem Becket Cives pro Communitate Civitatis Novæ Sarum, Johannem Harleſton & Johannem Whithorn Burgenſes pro Communitate Burgi de Wilton, Willielmum Covyntre & Thomam Covyntre Burgenſes pro Communitate Burgi de Devyſes, Thomam Hiwey & Johannem Goore Burgenſes pro Communitate Burgi de Malmesbury, Johannem Brid & Thomam Hatheway Burgenſes pro Communitate Burgi de Marleborgh, Robertum Salman & Robertum Roude Burgenſes pro Communitate Burgi de Calne in Comitatu prædicto, ad omnia & ſingula juxta tenorem prædicti Brevis in Parliamento dicto Domini Regis apud Weſtmonaſt. die Lunæ proximo poſt Octavas Sancti Martini proximo futuras, aſſign. & ordinat. cum aliis communicand. tractand. faciend. ſimiliter & terminand. prout dictum Breve exigit & requirit. In cujus rei teſtimonium, uni parti iſtius Indenturæ penes prædictum Vicecomitem remanenti prædictus Willielmus & omnes alii ſuperius nominati ſigilla ſua appoſuerunt; Alteri vero parti ejuſdem Indenturæ penes prædictum Willielmum & omnes alios ſuperiùs nominatos reſidenti, prædictus Vicecomes ſigillum ſuum appoſuit. Dat. die, loco & anno ſupradictis.

A B C D E F

Nomina

Nomina Militum, Civium & Burgenſium Comitatus Wilts, Electorum ad Parliamentum Domini Regis apud Weſtmonaſt. die Lunæ proximo poſt Octavas Sancti Martini, Anno Regni Regis Henrici quinti poſt Conqueſtum ſecundo.

A

B

Wilts,

Manucaptores Willielmi Eſturmy Chivaler, unius Militum electi pro ſe & Communitate Comitatus prædicti ad Parliamentum prædictum. — *Petrus Braknal. Willielmus Reymond.*

Manucaptores Thomæ Bonham alterius Militum electi ad Parliamentum prædictum. — *Johannes Denyas. Johannes Cory.*

C

Civitas Novæ Sarum,

Manucaptores Walteri Shirle unius Civium Civitatis prædictæ electi ad Parliamentum prædictum. — *Johan. Durneford. Johan. Coſcombe.*

Manucaptores Johannis Beckot alterius Civium ejuſdem Civitatis electi ad Parliamentum prædictum. — *Willielm. Donyng. Willielmus Slegge.*

D

Wilton.

Manucaptores Johannis Harleſton unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Johannes Perſhore. Johannes Richman.*

Manucaptores Johannis Whithorn alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Ricardus Lamprey. Johannes Digon.*

E

Devyſes.

Manucaptores Willielmi Covyntre unius Burgenſium ejuſdem Burgi electi ad Parliamentum prædictum. — *Johannes Pſhore. Johannes Richman.*

Manucaptores Thomæ Covyntre alterius Burgenſium ejuſdem Burgi electi ad Parliamentum prædictum. — *Willielmus Neek. Henricus Lamkyn.*

F

Malmeſbury.

Malmſbury.

Manucaptores Thomæ Hiwey unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Nicholaus Penpas.* *Willielmus Palmer.*

Manucaptores Johannis Goore alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Ricardus Fel ce.* *Willielm. Robardes.* A

Marleborgh.

Manucaptores Johannis Brid unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Ricardus Heſham.* *Johannes Bide.*

Manucaptores Thomæ Hathewey alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Johann. Shirwode.* *Willielmus Warner.* B

Calne.

Manucaptores Roberti Salman unius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Robertus Grene.* *Robertus Lary.*

Manucaptores Roberti Roude alterius Burgenſ. ejuſdem Burgi electi ad Parliamentum prædictum. — *Willielmus Stokke.* *Johannes Domel.* C

The Sheriff, notwithſtanding he ſays in that part of the Return before the Indenture, That he had in all things executed the Writ according to the Tenor and Effect thereof, yet returned only two Citiſens for New Sarum, *and Burgeſſes for only five Burghs; having omitted nine of the preſent Burghs,* viz. Downton, Hindon, Weſtbury, Heitsbury, Chippenham, Crickelade, Bedwin, Lutgerſhal, Old Sarum, *and* Wootton-Baſſet; *And the Citiſens and Burgeſſes ſent to this Parlement were choſen by the ſame Perſons, that choſe the Knights of the Shire.* D

Retorn. Parl. 2 Hen. 5.

The Return for Devonſhire *for the ſame Parlement was without Indenture, only the Names of the Knights, Citiſens and Burgeſſes, with their Manucaptors or Sureties, were returned. And that two Citiſens only for* Exon, *and Burgeſſes for five Burghs,* Plympton, Tottones, Tavyſtok, Barnſtaple, *and* Dertmouth; *And then the Return is cloſed with theſe words,* Et non ſunt plures Civitates, ſeu Burgi infra Comitatum prædictum. *The Sheriff having omitted ſix of the preſent Burghs,* viz. Plymouth, Okehampton, Honiton, Aſhburton, Beralſton, *and* Tiverton. E

F

REX

REx univerſis & ſingulis Vicecomitibus, Majoribus, Ballivis, Conſtabulariis, Miniſtris & aliis fidelibus ſuis tam infra libertates quàm extra ad quos, &c. Salutem. Sciatis, quòd cùm ſecundum conſuetudinem in regno noſtro Angliæ hactenus obtentam & approbatam, homines de antiquo dominico Coronæ Angliæ quieti ſint & eſſe debeant a præſtatione Theolonei per totum regnum Angliæ. Vobis mandamus, quòd homines de Manerio de Aisbertone, quod de antiquo Dominico Coronæ Angliæ exiſtit, ſicut per quandam Certificationem per Theſaurarium & Camerarios Domini Ricardi nuper Regis Angliæ ſecundi poſt conqueſtum in Cancellariam ſuam de Mandato ipſius nuper Regis miſſam, & in filaciis Cancellariæ ejuſdem nuper Regis reſidentem plenè liquet, de hujuſmodi præſtatione Theolonei vobis præſtanda quietos eſſe permittatis, juxta conſuetudinem ſupradictam. In cujus, &c. Teſte Rege apud Weſtmonaſt. viceſimo ſexto die Aprilis.

Pat. 3 H. 4. p. 2. M. 23. N. 16.

Note this then a Town in Antient Demeaſn, and no Burgh, yet in 26 E. 1. *and* 8 Hen. 5. *it ſent Members to Parlement.*

London. by *Inſpeximus, Tempore Hen.* 1. *Hen.* 2. *Ric.* 1.

REx omnibus ad quos, &c. ſalutem. Inſpeximus tenorem Cartæ Domini * Henrici quondam Regis Angliæ Progenitoris noſtri factam in hæc verba. Henricus Dei gratia Rex Angliæ Archiepiſcopo Cantuarienſi, & Epiſcopis, & Abbatibus, & Comitibus, & Baronibus, & Juſticiariis, & Vicecomitibus & omnibus fidelibus ſuis Francis & Anglicis totius Angliæ, Salutem. Sciatis me conceſſiſſe Civibus meis Londoniæ *Tenendum* Middleſexiam ad firmam pro trecentis libris ad computum ipſis & hæredibus ſuis de me & hæredibus meis. Ita quod ipſi Cives *ponent* Vicecomitem qualem voluerint de ſeipſis & Juſticiarium quemcunque vel qualem voluerint de ſeipſis ad cuſtodienda placita Coronæ meæ, & ad eadem placitanda, & nullus alius erit Juſticiarius ſuper ipſos homines Londoniæ, & Cives non placitabunt extra muros Civitatis pro ullo placito, & ſint quieti de [a] *Schot*, & de [b] *Loth*, & de [c] *Danegeld*, & de [d] *Murdro* & nullus eorum faciat bellum, & ſiquis Civium de placitis Coronæ implacitatus fuerit per [e] *Sacramentum* quod judica-

Pat. 2 E. 4. p. 5. M. 23. * Hen. 1. N. 17.

[e] Shall purge himſelf by Oath.

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[a] [b] *Scot* and *Lot*, Publick Impoſitions or Contribution.

[c] *Danegeld*. See Notes upon the Charter of *Yarmouth*.

[d] *Murdrum*, ſignifies not only the Crime, but the Mulct or Pecuniary Puniſhment for that Crime. So that to be free from Murder, was, that the place where the Murder was committed, and the Murtherer fled, ſhould not be Fined or Amerced for not producing of him. See *Leg. Ed. Conf. c.* 15. *Gul.* 1. *c.* 26. 46 *Hen.* 1. *c.* 91.

Scot and *Lot* what? *Danegeld* what? *Murder* what?

tum fuerit in Civitate ſe *diſrationet homo* London, & infra muros Civitatis nullus [*f*] hoſpitetur, neque de mea familia neque de alia vi alicui hoſpitium liberatur. Et omnes homines Londoniæ ſint quieti & liberi, & omnes eorum res per totam Angliam & per portus maris de Theoloneo & Paſſagio & Leſtagio & omnibus aliis conſuetudinibus, & Eccleſiæ & Barones [*g*] & Cives habeant & teneant bene & in pace [*h*] Socas ſuas cum omnibus conſuetudinibus. Ita quod hoſpites qui in Sokis hoſpitabuntur nulli dent conſuetudines, niſi illi cujus [*i*] Soka fuerit vel miniſtro ſuo quem ibi poſuerit, & Homo Londoniæ non judicetur in miſericordia pecuniæ niſi ad ſa [*k*] *Were*, ſcilicet ad centum Solidos, dico de placito quod ad pecuniam pertineat, & amplius non ſit [*l*] Meskenninge in [*m*] Huſtengo neque in [*n*] Folkeſmot, neque in aliis placitis infra Civi-

A

B

No Stranger to be lodged in the City of *London*, &c.

[*f*] No Stranger in theſe times was lodged, or had his abode in the City, unleſs placed by the Kings Marſhal, or by the Guardian, or Alderman of the Ward or Liberty, and for his being ſo lodged or placed, he gave to him or his Servant Cuſtom, *i. e.* Money, as below.

Barons of *London*.

[*g*] Barons: The Citiſens or Men of *London*, who for the Dignity of the City, and Antient Liberties of the Citiſens, were wont to be called Barons. *Quos propter Civitatis Dignitatem, & Civium antiquam Libertatem Barones conſuevimus appellare*, *Paris* in *A. D.* 1253. The ſame Author in *A. D.* 1258. *Londinum deſtinati convocaverunt totius Civitatis Cives, quos Barones vocant*, being ſent to *London* they called together the *Citiſens* of the whole *City*, which they call *Barons*. But for the latter part of the Reaſon which the *Monk* gives, *why* they were *called Barons*, it was only his Fancy: For *Baron* was a *Norman* or *French* word, and came in uſe here after the Conqueſt; ſo that the Citiſens could not have that Appellation for any antient Liberties they enjoyed, for it was then but 187 years ſince the Conqueſt, which was not time enough to make them Antient, according to the meaning of the word in ſuch Caſes. And further, the *Citiſens* of *York* and *Cheſter*, the *Burgeſſes* of *Warwick*, and of other famous *Cities* and *Towns* that were *Endowed* with *large* and *Royal Privileges*, were called *Barons*, yet the *Citiſens* or *Burgeſſes*, or *Inhabitants* of any of theſe, or other places, were not ſo termed in *Domeſday-Book*, nor had they then any *extraordinary Liberties*: Therefore ſince the making of that *Book* they muſt have that *Title*, and that for the great *Privileges* and *Immunities* granted by the King, and not otherwiſe; perhaps for ſome ſignal Service done him, as Sir *Henry Spelman* * truly informs us. But the word *Barones* in this Charter ſeems to mean the better ſort of Citiſens, that is, the *Guardians* or *Aldermen* of the *Wards*; for the words are, *Et Barones, & Cives*, which put a *Diſtinction* between the *greater* and *ordinary* Citiſens. Nor was this Appellation uſed here in *England* only, for the *Citiſens* of *Orleans*, and *Bourges* in *France*, are ſo called.

Paris miſtaken in his Reaſon, why *Londoners* were called *Barons*.

The Citiſens and Inhabitants of *York*, *Cheſter* and *Warwick* were called Barons.

* *In verbo.*

What the Barons of *London* were.

The Citiſens of *Orleans* and *Bourges* in *France* were called Barons.

C

D

The price of a Citiſens Life.

[*h*] Their *Liberties* or *Wards*, with all Cuſtoms or Payments.

[*i*] Except to the *Guardian*, or as now, the *Alderman* of the *Ward*, or his Servant.

[*k*] A Citiſen of *London* ſhall not be Amercied beyond his *Were*, that is, the *price* of his *Head*, or *Life*, which was 100 Shillings.

E

Miskenninge what?

* Col. 957. n. 10.

[*l*] *Meskenninge* from the Saxon Cenninge or Cennan, *citare*, *vocare*, and *mis*, or in French *mes*, *malè*. So *Miskenninge* was, when one Man falſly or unduly proſecuted another, or as * *Brompton* hath it, *Myskenning*, i. e. *Variatio loquelæ in Curiâ*, a Variation of the *Plea* in Court; that is, when a Man *changes* and *leaves* his firſt *Plea*, and takes up another.

Huſtengs what?

Huſtengs not appropriated to *London*.

[*m*] *Huſtengus* or *Huſtengum*, either from Hus a Houſe, and Ting, or Thing *Cauſa*, a *Houſe* where *Cauſes* were tryed. Or from the Saxon word Hyhſt, or Hyhſta, *Supremum*, Higheſt, and Thing, *Judicium*, a Court or Judgment according to Mr. *Somner*; ſo that *Huſting* ſignifies in this ſenſe the *Supreme Court* of the City of *London*, as in truth it is. But the Name was not *appropriated* to the *Chief Court* in *London* only, for *Wincheſter*, *Lincoln*, *York*, the *Five-Ports*, and the *Iſle* of *Shipwey* have their *Huſtings*.

F

Folkmot what?

[*n*] *Folkeſmot*, from Folc, People, or as they are often called *Folke*, and Mote, a *Meeting* or *Convention*. A *Convention* and *Court* of the *People*, which in *Shires* and *Counties* was, and now is, the *Sheriffs Turn*, and in *Cities* and *Burghs* may be called the *Burgh-Mote*, or *Sheriffs Court*.

tatem,

tatem, & Huſtengum ſedeat ſemel in Ebdomada, videlicet, die Lunæ, & terras & [o] vadimonia & debita Civibus meis habere faciam infra Civitatem & extra, & de terris de quibus ad me clamaverint rectum eis tenebo lege Civitatis. Et ſiquis theoloneum vel conſuetudinem a Civibus meis Londoniæ ceperit, Cives Londoniæ capiant de Burgo vel de Villa ubi theoloneum vel conſuetudo capta fuerint quantum homo Londoniæ pro theoloneo dedit, & proinde de dampno receperit, & omnes debitores qui Civibus London debita debent eis reddant in Londonia vel in Londoniâ ſe diſrationent quod non debent, quod ſi reddere noluerint, neque quod non debent ad diſrationandum venire, tunc Cives Londoniæ quibus debita ſua debentur capiant namia ſua in Civitate London de Burgo vel Villa vel de Comitatu in quo manet qui debitum debet. Et Cives Londoniæ habeant [p] fugationes ſuas ad fugandum ſicut melius & plenius habuerunt Anteceſſores eorum, ſcilicet, in Chiltre & Middleſexe & Surreie. Teſtibus Epiſcopo Wintonienſi, & Roberto filio Richier & Hugone Bigot & Alnero de Toteneis & Willielmo de alba Spina & Huberto Regis Camerario & Willielmo de Mountfichet & Haugulſo de Taney & Johanne Bellet & Roberto filio Siwardi apud Weſtmonaſterium.

[o] Pawns.

[p] Their Huntings.

There is the ſame Charter by Inſpeximus *in* 1 Hen. 4. 25 Maii.

Hen. 2.

INſpeximus inſuper cartam Domini Henrici Secundi quondam Regis Angliæ Progenitoris noſtri factam in hæc verba. Henricus Rex Angliæ, & *Dux Normanniæ & Aquitaniæ & Comes Andegaviæ* Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus fidelibus ſuis Francis & Anglis totius Angliæ, Salutem. Sciatis me conceſſiſſe Civibus meis Londoniæ quod nullus eorum placitet extra muros Civitatis Lundoniæ de ullo placito præter placita de tenuris exterioribus (exceptis [a] Monetariis & Miniſtris meis.) Conceſſi etiam eis quietanciam Murdri infra urbem & in * [b] Portſoka, & quod nullus eorum faciat duellum, & quod de placitis ad Coronam pertinentibus ſe poſſint [c] diſrationare ſecundum antiquam conſuetudinem Civitatis prædictæ, & quod infra muros Civitatis nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam eis conceſſi, quod omnes Cives Lundoniæ ſint quieti de Theoloneo & Leſtagio per totam Angliam & per portus maris, & quod nullus de [d] miſericordia pecuniæ judicetur niſi ſecundum legem Civitatis quam habuerunt tempore Regis Henrici Avi mei, & quod in Civitate in nullo placito ſit Meskenninga, & quod Huſtingum ſemel tantum in ebdomada teneatur, & quod terras ſuas & tenuras & vadimonia & omnia debita iuſte habeant quicunque eis debeat. Et de terris ſuis & tenuris quæ infra urbem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Londoniam, & de vadimoniis ibidem factis *placita* apud Lundoniam teneantur. Et ſi quis in tota Anglia Theoloneum vel conſuetudinem ab hominibus Lundoniæ ceperit, poſtquam ipſe a recto defecerit, Vicecomes Lundoniæ *Namium* inde apud Lundoniam capiat. Concedo

[a] Which were reſerved to his own Court.

* See Notes on this Charter.

[c] Vide Cart. Hen. 1.

[d] Vide Cart. Hen. 1.

[b] Portſoka, the *extent* of their *Juriſdiction* or *Liberty* from the Gates of the City.

Portſoka, what?

etiam eis, quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi mei. Inſuper etiam ad emendationem Civitatis eis conceſſi quod omnes ſint quieti de [e] Bridtol, & de [f] Childwite, & de [g] Jereſgieue, & de [h] Scotale, ita quod Vicecomes noſter Lundoniæ vel aliquis alius Ballivus Scotale non faciat. Has prædictas conſuetudines eis concedo, & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Regis Henrici Avi mei quando meliores vel liberiores habuerunt. Quare volo & firmiter præcipio, quod ipſi & hæredes eorum hæc omnia prædicta hæreditarie habeant & teneant de me & de meis hæredibus. Teſtibus T Archiepiſcopo Cantuarienſi R Epiſcopo Londinenſi Ph Epiſcopo Baiocenſi, Ern Epiſcopo Lexovienſi, T Cancellario, R de novo Burgo R de Sancto Walrico R de Warenna Walth Maminot Ricardo de Lucy Guar filio Geroldi Ma Biſet Loc de Ballolio, apud Weſtmonaſterium. A B

Ric. 1. INſpeximus etiam Cartam Domini Ricardi primi quondam Regis Angliæ Progenitoris noſtri factam in hæc verba. Ricardus Dei Gratia *Rex* Angliæ, *Dux Normanniæ*, *Aquitaniæ*, *Comes Andegaviæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris, & omnibus fidelibus ſuis Francis & Anglis totius Angliæ, Salutem. Sciatis nos conceſſiſſe Civibus noſtris Londoniæ, quod nullus eorum placitet extra muros Civitatis Londoniæ de ullo placito præter placita de tenuris exterioribus (exceptis Monetariis & Miniſtris noſtris.) Conceſſimus etiam eis quietanciam Murdri infra urbem & in Portſoka, & quod nullus eorum faciat duellum, & quod de placitis ad Coronam pertinentibus ſe poſſint * diſrationare ſecundum antiquam conſuetudinem Civitatis, & quod infra muros Civitatis nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam eis conceſſimus quod omnes Cives Londoniæ ſint quieti de Theloneo & Leſtagio per totam Angliam & per portus maris, & quod nullus de miſericordia pecuniæ judicetur niſi ſecundum legem Civitatis quam habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Et quod in Civitate in nullo placito ſit Veskenninga, & Huſtingum ſemel tantum in ebdomada teneatur, & quod terras ſuas & tenuras, & vadimonia & debita omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris quæ infra urbem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Londoniam teneantur. Et ſiquis in tota Anglia Theoloneum vel conſuetudinem ab hominibus Londoniæ ceperit poſtquam ipſe a recto defecerit, Vicecomes Londoniæ *namium* inde apud Londoniam capiat. Concedimus etiam eis quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Inſuper etiam ad emen- C D E

* Vid. Chartam. Hen. 1.

F

Bridtol. *Childwite* and *Leirwite* what? *Jereſgieue* or *Gereſgieue* what? *Scotale* what?

[e] Bridtol, that is, *Bridge-Toll*, Money paid for paſſing over a Bridge.

[f] The ſame with Leirwite, Money paid, or a puniſhment for corrupting a *Bond-Maid*.

[g] *Jereſgieue*, or *Gereſgieue*, the ſame that *Gereſuma*, a Bribe or Reward given to the Kings or other Officers, for Connivence, and being favourable in their Office.

[h] Scotale, See the notes upon *Walingford* Charter, Letter [a].

dationem

dationem Civitatis eis conceſſimus, quod omnes ſint quieti de Bridtol, & de Childwite, & de Jereſgieue, & de Scotale, ita quod Vicecomes noſter Londoniæ vel aliquis alius Ballivus Scothale non faciat. Has prædictas conſuetudines eis concedimus & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri quando meliores vel liberiores habuerunt. Quare volumus & firmiter præcipimus, quod ipſi & hæredes eorum hæc omnia
A prædicta hæreditarie habeant & teneant de nobis & hæredibus noſtris. Teſtibus Huberto Cantuarienſi Archiepiſcopo, Ricardo Londinenſi, Hugone Dunelmenſi, Gileberto Roffenſi, Hugone Lincolnienſi Epiſcopis, Ran Comite Ceſtriæ, Ricardo Comite de Clare, Willielmo Mareſcallo, Rogero Bigot, Gaufrido filio Petri, Hugone Bardolfe, Willielmo Briewer, Willielmo de Warenna. Data per manum Willielmi Elienſis Epiſcopi Cancellarii noſtri apud Wintoniam Viceſimo ſecundo die Aprilis, Anno Regni noſtri quinto.

B

INſpeximus inſuper quandam aliam cartam ejuſdem Domini Regis Progenitoris noſtri factam in hæc verba. *Ricardus* Dei Gratia *Rex* Angliæ, *Dux Normanniæ*, *Aquitanniæ*, & *Comes Andegaviæ*, Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Seneſcallis, Caſtellanis, Conſtabulariis, Ballivis, Miniſtris & omnibus fidelibus ſuis, Salutem. Noverit *Univerſitas*
C veſtra nos pro Salute animæ noſtræ & pro Salute animæ Henrici Regis Patris noſtri, & animarum anteceſſorum noſtrorum, necnon & pro communi utilitate Civitatis noſtræ Londoniæ, & totius Regni noſtri conceſſiſſe, & firmiter præcepiſſe, ut omnes Kidelli qui ſunt in Thamiſia amoveantur ubicunque fuerint in Tamiſia; & ne de cætero Kidelli alicubi ponantur in Tamiſia. Quietum etiam clamavimus omne id quod Cuſtodes Turris noſtræ Londoniæ annuatim percipere ſolebant de prædictis Kidellis. Quare volumus & firmiter præcipimus, ne
D aliquis Cuſtos præfatæ Turris aliquo tempore poſt hoc aliquid exigat ab aliquo, nec aliquam demandam aut gravamen ſive moleſtiam alicui inferat occaſione prædictorum Kidellorum. Satis enim nobis conſtat, & per venerabilem Patrem noſtrum Hubertum Cantuarienſem Archiepiſcopum & per alios fideles noſtros nobis ſufficienter datum eſt intelligi, quod maximum detrimentum & incommodum prædictæ Civitati noſtræ Londoniæ, nec non & toti regno noſtro occaſione Kidellorum illorum proveniebat, quod ut firmum & ſtabile perſeve-
E ret imperpetuum præſentis paginæ inſcriptione & ſigilli noſtri appoſitione communivimus. His Teſtibus Huberto Cantuarienſi Archiepiſcopo, Johanne Comite Moritoniæ, Ran Comite Ceſtriæ, Roberto Comite Leiceſtriæ, Willielmo Comite Arundel, Comite Willielmo Mareſcallo, Willielmo de Sanctæ Mariæ Eccleſia, Petro filio Hereberti, Matthæo fratre ſuo, Sym de Kyma, Seherio de Quinceo. Data per manum Magiſtri Euſtachii Sarum Decani Vices Cancellarii tunc agentis apud Inſulam * Andeliacam decimo
F quarto die Julii, Regni noſtri Anno octavo.

*

Ric. 1. Chart. 2.

Note this.

* Iſle of *Andely* in *Normandy*.

London.

London. 1 *Johannis.*

Cart. Antiq. C. n. 26. N. 18.

JOhannes Dei Gratia, &c. Archiepiſcopis, &c. Sciatis. Nos conceſſiſſe Civibus noſtris Londoniæ, quod nullus eorum placitet extra muros Civitatis Londoniæ de nullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris noſtris. Conceſſimus etiam eis quietanciam murdri infra urbem & in Portſocha, & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus ſe poſſint diſrationare ſecundum antiquam conſuetudinem Civitatis, & quod infra muros Civitatis neque in Portſocha nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam conceſſimus quod omnes Cives Londoniæ ſint quieti de Theloneo & Leſtagio & omni alia conſuetudine per omnes terras noſtras citra mare & ultra & quod nullus de miſericordia pecuniæ judicetur niſi ſecundum legem Civitatis quam habuerunt tempore Regis Henrici *Avi* Henrici Patris noſtri. Et quod in Civitate in nullo placito ſit Meſkenninga, & quod Huſtinga ſemel tantum in ebdomada teneatur & quod terras ſuas & tenuras & vadimonia & debita omnia juſte habeant quicunque eis debeant. Et de terris ſuis & tenuris quæ infra urbem ſunt eis rectum teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerunt apud Londoniam & de vadimoniis ibidem factis placita apud Londoniam teneantur. Et ſiquis in aliquam terrarum noſtrarum citra mare vel ultra ſive in portubus maris citra vel ultra Theloneum vel aliquam aliam conſuetudinem ab hominibus London ceperit poſtquam ipſe a recto defecerit Vicecomites London *Namium* inde apud London capiant. Conceſſimus etiam eis quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Inſuper etiam ad emendationem Civitatis eis conceſſimus quod omnes ſint quieti de Bridtol & de Childwite & * Jereſleue & de Scotale, ita quod Vicecomes noſter Londoniæ nec aliquis alius Ballivus Scotale non faciat. Has prædictas conſuetudines eis conceſſimus & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Henrici Regis Avi Patris noſtri quando meliores & liberiores habuerunt. Quare volumus & firmiter præcipimus quod ipſi & hæredes eorum hæc omnia prædicta hæreditarie & integre habent & teneant de nobis & hæredibus noſtris. Teſtibus Huberto Cantuarienſi Archiepiſcopo Cancellario noſtro, W. Londoniæ Epiſcopo, &c. Data per manum prædicti Huberto Cantuarienſis Archiepiſcopi Cancellarii noſtri apud Sorham decimo Septimo die Junii, Anno Regni noſtri primo.

A B C D E

* The ſame with *Gereſuma*, ſee *Wallingford* Chart.

The Citiſens of London *gave* 3000 *Marks for the* Confirmation *of* their Liberties *by this* Charter, *as appears by the* * Oblata Roll *of this year, and it was* left *in the* Hands *of* Geofry Fitz-Peter *until they paid the Money.*

F

* 1 Johannis, M. 20.

Cives London dant Domino Regi tria Millia Marcarum pro habenda confirmatione Domini Regis de Libertatibus ſuis in Carta, & *liberabitur Galfrido filio Petri* per ſic, Quod ſi illa tria millia Marcarum volunt dare ſuam Cartam habebunt, ſin autem non, Cartam non habebunt.

Winton.

Winton. 1 *Ric.* 1.

Cart. Antiq. R. n. 30.

N. 19.

A RIcardus Dei Gratia *Rex* Angliæ, *Dux* Normanniæ, &c. Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus Ballivis & fidelibus ſuis totius terræ ſuæ, Salutem. Sciatis nos conceſſiſſe Civibus noſtris Wintoniæ *de Gilda Mercatoria*, quod nullus eorum placitet extra muros Civitatis Wintoniæ de ullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris noſtris. Conceſſimus etiam eis quod nullus eorum faciat duellum, & quod de placitis ad Coronam noſtram pertinentibus ſe poſſint diſrationare ſecundum antiquam conſuetudinem Civitatis. Hæc etiam eis conceſſimus quod omnes B Cives Wintoniæ *de Gilda Mercatoria* ſint quieti de Theloneo & Leſtagio & Pontagio in feria & extra & per portus maris omnium terrarum noſtrarum citra mare & ultra, & quod nullus de Miſericordia pecuniæ judicetur niſi ſecundum antiquam legem Civitatis quam habuerunt tempore anteceſſorum noſtrorum, & quod terras & tenuras ſuas & vadimonia & debita omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris quæ infra urbem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Wintoniam & de vadimoniis ibidem factis placita apud Wintoniam teneantur, & ſi quis in tota terra noſtra Theloneum vel conſuetudinem *ab hominibus* Wintoniæ *de Gilda Mercatoria* ceperit, poſtquam ipſe a recto defecerit Vicecomes de Southamton vel Præpoſitus Wintoniæ *Namium* inde apud Wintoniam capiat. Inſuper etiam ad emendandam Civitatem eis conceſſimus quod omnes ſint quieti & de * Jereſgiene & de Scotteſhale ita quod ſi Vicecomes noſter vel aliquis alius Ballivus Sotthale faciat. Has prædictas conſuetudines eis concedimus & omnes alias libertates & liberas conſuetudines quas habuerunt temporibus Anteceſſorum noſtrorum quando meliores vel liberiores habuerunt; & ſi aliquæ conſuetudines injuſte levatæ fuerunt in guerra caſſatæ ſint, & quicunque petierint Civitatem Wintoniæ cum mercatu ſuo de quocunque loco ſint, ſive extranei ſive alii, veniant, morentur & recedant in Salva pace noſtra reddendo rectas conſuetudines, & nemo eos diſturbet ſuper hanc Cartam noſtram. Quare volumus & firmiter præcipimus quod ipſi & *hæredes* E eorum hæc omnia prædicta *hæreditarie habeant* & *teneant de nobis* & *hæredibus noſtris*. Teſtibus Waltero Rothomagenſi Archiepiſcopo, R. Bathonienſi, H. Coventrenſi Epiſcopis, Bertram de Verdun, Johanne Mareſcallo, W. Mareſcallo. Data per manum Johannis de Alencon Archidiaconi Lexoviæ Vicecancellarii noſtri apud * Nunancurt decimo quarto die Martii, Anno primo Regni noſtri.

D

F

* The ſame with *Gereſuma*, ſee *Walingford* Charter.

* In *Normandy*.

Lincoln.

Lincoln. 1 *vel* 2 *Ric.* 1.

Cart. Antiq. F. n. 16.

N. 20.

RIcardus Dei Gratia *Rex Angliæ, Dux Normanniæ, Aquitaniæ, Comes* Andegaviæ Archiepiſcopis, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Miniſtris & omnibus fidelibus ſuis tam Francis quam Anglis, Salutem. Sciatis nos conceſſiſſe Civibus noſtris Lincolniæ quod nullus eorum placitet extra Civitatem Lincolniæ de aliquo placito præter placita de tenuris exterioribus, exceptis Monetariis & miniſtris noſtris. Conceſſimus etiam quietanciam murdri infra Civitatem & in *Portſoca* & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus ſe poſſint diſrationare ſecundum conſuetudinem Civium Civitatis Lincolniæ, & quod infra Civitatem illam nemo capiat hoſpitium per vim vel per liberationem Mareſcalli. Hoc etiam eis conceſſimus quod omnes Cives Lincolniæ ſint quieti de Theloneo & Leſtagio per totam Angliam & per portus Maris, & quod nullus de Miſericordia pecuniæ judicetur niſi ſecundum legem quam habent Cives noſtri Lundoniæ, & quod in Civitate illa in nullo placito ſit Meskenninga, & quod * Burwaremot ſemel tantum in ebdomada teneatur; & quod terras & tenuras & vadia ſua & debita ſua omnia juſte habeant quicunque eis debeat, & de terris ſuis & tenuris quæ infra Civitatem ſunt rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Lincolniam & de vadiis ibidem factis placita apud Lincolniam teneantur. Et ſiquis in tota Anglia Theloneum vel conſuetudinem ab hominibus Lincolniæ ceperit poſtquam ipſe a recto defecerit, *Præpoſitus* Lincolniæ *Namium* apud Lincolniam capiat. Inſuper etiam ad emendationem illius Civitatis illis conceſſimus quod ſint quieti de Bridtol, & de Childwite & de Gereſgiene & de Scothale, ita quod *Præpoſitus* nec alius Ballivus Scothalam faciat. Has prædictas conſuetudines eis conceſſimus & omnes alias libertates & liberas conſuetudines quas habuerunt vel habent Cives noſtri Lundoniæ quando meliores vel liberiores habuerunt ſecundum libertates Lundoniæ & leges Civitatis Lincolniæ. Quare volumus & firmiter præcipimus, quod *ipſi* & *hæredes* eorum hæc omnia prædicta *habeant* & *teneant hæreditarie* de *nobis* & *hæredibus noſtris* reddendo per annum *novies viginti* libras numero de Lincolnia cum omnibus pertinentiis ad Scaccarium noſtrum duobus terminis, ad Paſcham, Scilicet, & ad Feſtum Sancti Michaelis per manum *Præpoſiti* Lincolniæ. Et Cives Lincolniæ faciant *Præpoſitum* quem voluerint de ſe per annum qui ſit *idoneus Nobis* & *eis*. Teſtibus his Huberto Cantuarienſi Archiepiſcopo, Willielmo Mareſcallo, Gaufrido filio Petri, Hugone Bam Data per manum Willielmi Elienſis Epiſcopi Cancellarii noſtri apud Winton.

* The Burgh or Folkmot, or Court of the Inhabitants of the Burgh or City.

A B C D E

William Longchamp, *Biſhop of* Ely, *was Chancellor of* England *before he was Conſecrated Biſhop of that place.* Anno Domini 1189. 1 Richard 1. *and was depoſed from his Chancellor-Ship* A. D. 1191. *So that this Charter was dated by him, either in the Firſt, or Second year of King* Richard *the Firſt.*

F

York.

York. 1 Johannis.

JOhannes Dei Gratia, &c. Sciatis nos conceſſiſſe Civibus noſtris de Eboraco omnes libertates & leges & conſuetudines ſuas & nominatim *Gildam* ſuam *Mercatoriam* & *Hanſas* ſuas in Anglia, & Normannia, & Leſtagia ſua per totam Coſtam maris quieta ſicut ea unquam melius & liberius habuerunt tempore Regis Henrici *Avi* patris noſtri. Et volumus & firmiter præcipimus, quod prædictas libertates & conſuetudines habeant & teneant cum omnibus libertatibus prædictæ *Gildæ ſuæ* & *Hanſis* ſuis pertinentibus, ita bene & in pace liberè & quiete ſicut unquam melius liberius & quietius habuerunt & tenuerunt tempore prædicti Regis Henrici *Avi* patris noſtri, ſicut Carta ejuſdem Patris noſtri & Carta Regis Ricardi fratris noſtri rationabiliter teſtantur. Præterea Sciatis nos conceſſiſſe & præſenti Carta confirmaſſe omnibus civibus noſtris Eboraci quietanciam cujuſlibet Thelonei, & leſtagii, & * Dewree, & Pontagii, & Paſſagii & de treſpas & de omnibus Coſtivis per totam Angliam & Normanniam, & Aquitaniam & Andegaviam & Pictaviam, & per omnes portus & Coſtas maris Angliæ & Normanniæ Aquitaniæ Andegaviæ & Pictaviæ. Quare volumus & firmiter præcipimus quod inde ſint quieti, & prohibemus ne quis ſuper hoc diſturbet ſuper decem libras forisfacturæ, ſicut Carta Ricardi Regis fratris noſtri rationabiliter teſtatur. Teſtibus G. Eboracenſi Archiepiſcopo, Ph. Dunelmenſi Epiſcopo, Gaufrido filio Petri Comitis Eſſex, &c. Data per manum S Wellenſis Archidiaconi & Johannis de Gray apud Eboracum Viceſimo quinto Die Martii, Anno Regni noſtri primo.

Cart. 1 Johan. p. 1. n. 73.

N. 21.

* Forſan de Wrec.

Norwich. 1 Johannis.

JOhannes Dei Gratia, &c. Archiepiſcopis, &c. Sciatis nos conceſſiſſe Civibus noſtris Norwici quod nullus eorum placitet extra Civitatem Norwici de nullo placito præter placita de tenuris exterioribus, exceptis Monetariis & Miniſtris noſtris. Conceſſimus eis etiam quietantiam murdri & Gawitam infra Civitatem, & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus ſe poſſint diſrationare ſecundum conſuetudinem Civitatis *Londoniæ*, & quod infra Civitatem illam nemo hoſpitetur vel capiat quicquam per vim. Hoc etiam conceſſimus eis, quod omnes Cives Norwici ſint quieti de Theloneo & Leſtagio per totam Angliam & per portus maris, & quod nullus de miſericordia pecuniæ judicetur niſi ſecundum legem quam habent Cives noſtri Londoniæ, & quod in Civitate illa in nullo placito ſit Miskenninga, & quod *Huſtinga* ſemel in ebdomade tantum teneatur & quod terras ſuas & tenuras, & vadia ſua & de vita ſua omnia juſte habeant, quicunque eis debeat, & de terris ſuis & tenuris quæ infra Civitatem ſunt, rectum eis teneatur ſecundum conſuetudinem Civitatis, & de omnibus debitis ſuis quæ accommodata fuerint apud Norwicum & de vadiis ibidem factis placita apud Norwicum teneantur. Et ſiquis in tota Anglia Theloneum vel conſuetudinem

Cart. 1. Johan. p. 1. m. 11. n. 146.

N. 22.

dinem ab hominibus Norwici ceperit, postquam ipse a recto defecerit, *Præpositus* Norwici *Namum* inde apud Norwicum capiat. Has prædictas consuetudines eis concessimus & omnes alias libertates & liberas consuetudines quas habuerunt & habent Cives nostri Londoniæ, quando meliores vel liberiores habuerunt secundum libertates Londoniæ & leges Civitatis Norwici. Quare volumus & firmiter præcipimus, quod ipsi Cives & hæredes eorum hæc omnia prædicta cum Civitate & pertinentus ejus *hereditarie habeant* & *teneant* de *nobis* & *hæredibus nostris*, reddendo per annum *Centum* & *octo* libras Sterlingorum blanceas de Civitate Norwici per manum *Præpositi* Norwici ad Scaccarium nostrum in termino Sancti Michaelis. Et Cives Norwici faciant Præpositos de se per annum, qui sint *idonei Nobis* & *eis*. Testibus H. Sar. Episcopo, S. Wellensi Archidiacono J. de Gr. Data per manum H. Cantuariensis Archidiaconi Cancellarii nostri apud Genom. Vicesimo secundo die Septembris anno Regni nostri primo.

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A

SUPPLEMENT

TO THE

Preceding Advertiſement;

And to be read with, and after it.

AD Petitionem **Comunitatis** Villæ de *Huntingdon* & *Simonis* de *Broughton* Magiſtri *Hoſpitalis Sancti Johannis* de *Huntingdon* ſuggerentium Regi Quod licet idem Simon jam per viginti Annos & amplius *Magiſter* prædicti *Hoſpitalis* Extitiſſet & ad *Epiſcopum* iſtius loci per **Comunitatem** prædictam *præſentatus, & ad ipſorum Præſentationem* in *dicto Hoſpitali prout Prædeceſſores ejuſdem præſentati ſemper hactenus extiterunt Inſtitutus fuiſſet*; *Willielmus* de *Làngeele* nihilominus Domino Edwardo Regi nunc, dedit intelligi non eſt Diu quod dictum *Hoſpitale* vacabat. Quodq; *Præſentatio* ejuſdem ad *Regem* pertinuit, per quod idem *Willielmus* de *Làngelee* verſus **Comunitatem**, & Magiſtrum prædictos diverſa *Brevia* de Quare Impedit, ad certos Dies coram Juſticiariis Domini Regis de Banco returnabilia; Nomine Regio Impetravit, ad quos Dies idem *Willielmus* de *Làngelee* uſq; finem Termini, ut ipſos **Comunitatem** & Magiſtrum vexaret inde indebitè & gravaret, ſe voluntarie & malicioſe abſentavit, in ipſorum **Comunitatis** & Magiſtri Damnum, *&c.* Unde petunt, *&c.*

Rot. Parl. 8. Ed. 2, n. 235. Pro Comunitate & Magiſtro Hoſpitalis Sancti Johanis de Huntingdon.

Reſponſum eſt per Concilium.

Mandetur Juſticiariis coram quibus Loquela iſta pendet quod procedant indilate, eo non obſtante quod Willielmus de Làngelee qui ſequitur pro Rege ſe per Maliciam ſic abſentat, quia Rex non vult quod per hujuſmodi Maliciam, Juſticia deferatur.

Ibm.

Upon the Petition of the *Comunity*, or *Comonalty* of the Town of *Huntingdon*, and *Simon de Broughton*, Maſter of the Hoſpital of St. *John* of *Huntingdon*, ſuggeſting to the King, That altho' the ſaid *Simon* had been Maſter of the ſaid Hoſpital above twenty Years,

For the Comonalty and Maſter of the Hoſpital of St. John in Huntington.

Years, and was presented by the said *Comonalty* to the Bishop of the Diocese, and instituted to the said Hospital according to their Presentation, as his Predecessors always had been, Nevertheless *William* of *Làngele* informed the Lord *Edward* that now is *King*, That the said Hospital was not long since void, and that the Presentation to the same belonged to him. By which the same *William* obteined in the King's Name divers Writs of *Quare Impedit* against the *Comonalty*, &c. returnable at certain Days before the *Justices* of Common Pleas, at which Days, the same *William* of *Làngele* until the end of the Term willingly and maliciously absented himself, That he might thereby unduly vex and disturb the said *Comonalty* and Master, to their Damage, *&c.* Whence they begg, *&c.*

A

To which Petition 'twas answered by the Council.

B

Let the Justices, before whom the Suit is depending, be commanded to proceed without Delay, notwithstanding *William de Làngele*, who sues for the King, by Malice absents himself, because the King will not, That Justice should be delayed, by such Malice.

No man I think can affirm otherwise, Then that this *Comonalty* was the *Corporation*, the *Body politic*, or *Governing part*, of the Burgh or Town of *Huntington*, that *presented* to the *Bishop* the Master of the Hospital to be Instituted, that was *sued* by Writ of *Quare Impedit* for so doing: For no number of *Ordinary Freemen*, as such only, could have a *Capacity* to do such Acts, and to be *sued* for doing them; nor the *Herd* of *Common Freemen* or *Burgesses*, who in themselves never were or can be *qualified* for any such *Purposes*, as *Distinct* from, and *not Members* of the *Body politic* or *Governing part* of the Town.

C

D

To this ancient Record I shall subjoin several *modern Charters*, by which *Burghs* have been erected, that prove the meaning of the Word **Comunity** or **Comonalty**, and who were the **Comonalty** or **Comunity** in *Burghs* or *Corporations*.

The first shall be that of *Banbury*, Pat. 1. Mariæ, parte 10. in the Rolls Chappel. *She* granted *Inhabitantibus Villæ de* Banbury, *quod dicta Villa de Banbury de cætero sit & erit* **liber Burgus corporatus**; *in re, facto, & nomine, in perpetuum*; *De Uno* Balivo, Duodecim Aldermannis, *ac* Duodecim Burgensibus, *per Nomen* Balivi, Aldermannorum & Burgensium Burgi & Parochiæ *de* Banbury. *Ac quod* Ballivus, Aldermani & Burgenses Burgi & Parochiæ *prædictorum* **sint & erunt Corpus corporatum & politicum**, & **una Comunitas** perpetua **de se**, *in re, facto, & nomine, in perpetuum, per Nomen* Ballivi, Aldermannorum, & Burgensium Burgi *prædicti & Parochiæ de* Banbury; *habeantq; Successionem perpetuam, Ipsosq;* Ballivum, Aldermannos, & Burgenses, **unum Corpus corporatum**, & **unam Comunitatem de se**, realiter & ad plenum erigimus, facimus, ordinamus & creamus, *pro Nobis, Hæredibus & Successoribus Nostris, in perpetuum per Presentes*, &c. Then it follows, That the same *Baylif, Aldermanni*, & *Capitales Burgenses*, *facient*

E

F

facient & erunt ac vocabuntur Comune Conſilium Burgi prædicti, pro omnibus rebus, materiis, cauſis & negotiis, Burgum prædictum ac Regimen & Gubernationem inde tangentibus & concernentibus. After the Erection and Conſtitution of the Burgh, *She Grants* there ſhould be *one Burgeſs* to ſerve in *Parliament* for this *Burgh*, and that **only** the *Bayliff*, *Aldermen* and *Burgeſſes*, ſhould *chooſe* him.

A *Volumus ac pro nobis & Succeſſoribus noſtris per Præſentes concedimus & ordinamus quod ſit & erit in dicto Burgo de Banbury* **unus Burgenſis** *Parliamenti noſtri, Hæredum & Succeſſorum noſtrorum. Quodq;* **prædicti Ballivus, Aldermanni, & Burgenſes** *dicti* Burgi *&* Parochiæ *de* Banbury *& Succeſſores ſui ſuper* Brevi *noſtro Succeſſorum & Hæredum noſtrorum de* Electione *Burgenſis Parliamenti eis directo,* **habeant** & **habebunt Authoritatem, Poteſtatem** & **Facultatem, eligendi** & **nominandi** *unum diſcretum Virum dicti Burgi, fore Burgenſem Parliamenti noſtri, Hæredum & Succeſſorum noſtrorum, pro*

B *eodem Burgo. Eundemq; Burgenſem ſic electum ad* onera *&* cuſtagia *dicti Burgi, Parochiæ, &* **Comunitatis**, *mittent ad Parliamentum noſtrum, Hæredum & Succeſſorum noſtrorum ubicunq; ad tunc tentum fuerit iiſdem modo & forma prout in aliis Burgis Regni noſtri Angliæ uſitatum & conſuetum fuerit. Quem quidem* Burgenſem *ſic electum & nominatum volumus intereſſe, & moram facere ad Parliamenta noſtra & Succeſſorum noſtrorum ad onera & cuſtagia dicti Burgi, & Parochiæ & Comunitatis ejuſdem, durante tempore quo hujuſmodi Par-*

C *liamenta teneri contigerunt in eodem modo & forma prout alii Burgenſes Parliamenti pro quibuſcunq; aliis* Burgis *aut alio* Burgo *quocunq; infra dictum Regnum noſtrum* Angliæ *faciunt ſeu facere conſueverunt. Et qui quidem Burgenſis in hujuſmodi Parliamentis noſtris, Hæredum & Succeſſorum noſtrorum habebit vocem ſuam, tam affirmativam quam negativam, cæteraq; omnia & ſingula faciet ibidem & exequetur quæ alii Burgenſes, aut alius Burgenſis Parliamenti noſtri, pro quibuſcunq; aliis Burgis aut alio Burgo quocunq; facient aut exequantur, aut ha-*

D *bere, facere aut exequi valeant, Ratione aut Modo quocunq;*

By this Charter 'tis very manifeſt, That the **Corporation**, and **Comunity** or **Comonalty** of this *Burgh*, were the *ſame thing*, and that the *Bayliff, twelve Aldermen*, and *twelve Burgeſſes*, who all together were the *Common Council* of the *Burgh*, were that **Corporation** and **Comunity** or **Comonalty**, and had **only** the **power** and **authority** to *chooſe* a *Burgeſs* or *Parliament man.*

E

In the ſecond and third of *Philip* and *Mary*, *part.* 8. the Patent by which *Higham Ferrers* in *Northamptonſhire* was made a *Burgh*, runs thus. *Concedimus Inhabitantibus Villæ de Higham Ferrers, quod dicta Villa ſive Burgus de Higham Ferrers de cætero ſit & erit* **Liber Burgus corporatus** *in re, facto, & nomine, in perpetuum; de uno* **Majore, ſeptem Aldermannis,** & **tredecem Burgenſibus** Burgi *&* Parochiæ *de* Higham Ferrers. *Ac quod* **Major, Aldermanni,** & **Burgenſes** Burgi *&* Parochiæ *prædictorum,* **ſint** & **erunt Corpus corporatum & politicum,** & **una Comunitas** *perpetua,* **de ſe,** *in re, facto, & nomine, in perpetuum, per* **nomen** Majoris, Aldermannorum, & Burgenſium *Burgi & Parochiæ de* Higham Ferrers, *&c.* as in *Banbury*; and then Orders that **ſeven** of the *beſt*, moſt *able*, and *diſcreet Inhabitants*, ſhould be *called Aldermen*, and **thirteen** more of the *beſt* and moſt *able* ſhould be called

led **Capital** *Burgeſſes*, and that the ſaid *Mayor*, *Aldermen*, and *Burgeſſes*, ſhould be the *Common Council* of the *Burgh* and Town, to *tranſact* all things belonging to it; and then *gives* the *Mayor*, *Aldermen* and *Burgeſſes* **only**, *Power* and *Authority* to *chooſe* one Burgeſs for Parliament, *&c.* *Quodq;* **Major, Aldermanni**, & **Burgenſes** *dicti* Burgi, &c. **habeant** & **habebunt** Poteſtatem, Authoritatem & Facultatem, elegendi & nominandi *unum diſcretum Hominem Burgi, fore Burgenſem Parliamenti*, &c. *ad* **onera** & **cuſtagia** *dicti* Burgi, Parochiæ, & Comunitatis ejuſdem, *&c.* A

In the ſame year of the ſame *King* and *Queen*, *part. 6. Patentium*, *Abington* in *Oxfordſhire* was made a *Burgh* and Corporation, conſiſting of a *Mayor*, *two Bayliffs*, and *nine Aldermen*; which **twelve** were to be called **principal Burgeſſes**, and there named who had *power* to elect **ſixteen** or more **ſecundary Burgeſſes**, to be with them the *Common Council* of the *Town* for all Things. *Ac quod* **idem Major, Ballivi**, & **Burgenſes** ejuſdem *Burgi*, &c. *erunt* **unum Corpus corporatum & una Comunitas** *perpetua*, &c. who only, and their Succeſſors, had a *Grant* to *chooſe one Burgeſs* for Parliament. *Concedimus præfatis* **Majori, Ballivis**, & **Burgenſibus**, & **Succeſſoribus** *ſuis, quod* **habeant** & **habebunt** (as often as there ſhould be Summons to Parliament) Poteſtatem, Authoritatem & Facultatem **elegendi** & **nominandi** *unum diſcretum & probum Virum dicti Burgi fore* **Burgenſem Parliamenti**, &c. as in all things in the *Patents* or *Charters* of **Banbury** and **Bigham Ferrers**. And there needs nothing further to be obſerved upon theſe two places than hath been upon *Banbury*. B C

All the time of *Queen Mary*, the Returns for theſe new erected *Burghs* are either loſt, or ſo much periſhed and rotten as they are not legible. Yet the *Returns* about this time of ſome other *Towns* and *Places* not far diſtant are *anſwerable* to this *Conſtitution*; as of *Oxford* in the firſt of *Queen Mary*, and the firſt and ſecond of *Philip* and *Mary*. D

Hæc Indentura facta apud Civitatem Oxon. &c. inter Johanem Williams *Militem*, &c. *ex una parte*, &c. *& Richardum Atkinſon*, Majorem *Civitat. prædict. &* **totam Comunitatem** *Civitatis prædict. ex altera parte, Teſtatur quod prædicti* **Major & Comunitas** *Virtute*, &c. *unanimi Aſſenſu & Conſenſu ſuis* **eligerunt** Thomam Walkinſon & Edwardum Clinton, *quos idoneos Cives*, &c. *Data apud Oxon. 27 die Martii, Anno Regni Reginæ primo.* E

And alſo of *Wallingford*, in the firſt of Queen *Mary*, *Hæc Indentura facta apud* Wallingford——— *inter* Robertum Cockſon **Majorem & Comunitatem** *Villatæ &* Burgi Wallingford *ex*———*Vicecomitem* Oxon. & Berks. *ex altera parte, Teſtatur, Quod nos dicta* **Comunitas** Villatæ & Burgi *prædictorum*——— Edmundum Aſſcheſyld & Robertum Cockſon **Majorem** Villæ & Burgi *antedictorum* Burgenſes, ad——— *In quorum Teſtimonium* Sigillum noſtrum Commune, *nomine omnium Intereſſentium præſentibus eſt appoſitum.* F

FINIS.

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